

Meeting Date: 9/16/08

Santa Clara



AGENDA REPORT

Agenda Item #

8A

City of Santa Clara, California



DATE: September 2, 2008

TO: City Manager for Council Action

FROM: Director of Planning and Inspection

SUBJECT: Planning Commission Recommendation to Deny the Application (PLN2007-06781) for Rezone of the Property at 1575 Pomeroy Avenue from R1-6L (Single Family Residential) to PD(R3-18D) (Planned Development/R3-18D)

EXECUTIVE SUMMARY:

The public hearing on this application was continued on August 26, 2008 to September 16, 2008 at the applicant's request, in order to allow sufficient time for the applicant to present his Power Point presentation to the City Clerk's office prior to the day of the Council meeting.

The applicant proposes to demolish the existing house and accessory buildings and construct three detached residences through a Planned Development rezoning. Consistent with the plans reviewed by the Planning Commission on May 28, 2008, the attached 11"x17" plan set shows two covered parking spaces per unit and one open, guest/shared parking space. Applications for this property for four detached townhomes in 2005 and for one detached townhome and two attached townhomes in 2006 were denied by the City Council. Graphics attached to this report illustrate the difference between this application and the 2006 proposal, including reductions of approximately 160 square feet (Unit A) and 260 square feet (Units B and C) in unit sizes. At the May 28, 2008 Planning Commission meeting, the Commission recommended denial of the current proposal. This application was continued from the July 8, 2008 Council meeting to August 26, 2008. Notices have been posted and mailed.

The density of the proposed development (10 d.u./acre) is consistent with the General Plan Land Use designation of Moderate Density Residential (up to 25 d.u./acre) for this property and for adjacent properties on three sides. This designation would support up to 5 units on the subject site. The design of the three units is consistent with the City's Residential Design Guidelines.

Development on three sides of the subject site is zoned, and developed with higher density residential uses. One single family residence is adjacent to the south, and single family homes are located across Pomeroy from the site.

The Plan Set for Council consideration is attached, along with excerpt minutes of the May 28, 2008 Planning Commission Hearing, the May 28 staff report, and correspondence received by the Commission. Also attached are July 30 and August 17, 2008 e-mails from J.C. Rowen representing Eddie Souza in opposition to this project. The applicant's graphics comparing this proposal with the 2006 development proposal are also attached. In the Council offices are: all prior Planning Commission staff reports and minutes, as well as the Council minutes and correspondence, regarding the 2005 and 2006 applications. Complete administrative records are available in the Planning Division office located at 1500 Warburton Avenue, Santa Clara, and can be viewed during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the project would provide single-family housing at an infill location near a major transportation route in the City and improve the jobs/ housing balance by intensifying the current underutilized site. This project could help the City meet its regional housing requirements. The project could promote an increase in intensification of the neighborhood and erode the single-family character.

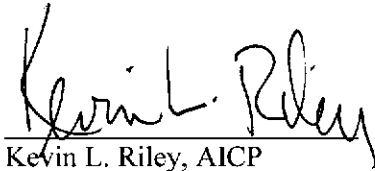
ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

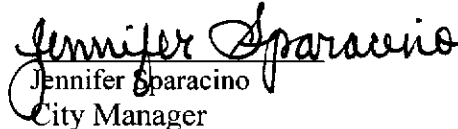
RECOMMENDATION:

That the Council, pursuant to the Planning Commission recommendation, deny the application (PLN2007-06781) for the rezone of property at 1575 Pomeroy Avenue from R1-6L (Single Family Residential) to PD(R3-18D) (Planned Development/R3-18D).

APPROVED:



Kevin L. Riley, AICP
Director of Planning and Inspection



Jennifer Sparacino
City Manager

Documents related to this report:

- 1) Plan Set for Council Consideration September 16, 2008 (no change from Planning Commission May 28, 2008 Plan Set)*
- 2) Planning Commission Excerpt Minutes of May 28, 2008*
- 3) Planning Commission staff report of May 28, 2008*
- 4) Correspondence and plans considered by Planning Commission May 28, 2008*
- 5) August 20, 2008 letter of opposition from nearby property owner, Hung Le. July 30, 2008 and August 17, 2008 e-mails from J.C. Rowen, representing Eddie Souza*
- 6) Applicant's graphics submitted July 25, 2008 comparing this proposal with the 2006 development proposal*
- 7) City Council Minutes from 2006 and 2005 regarding prior applications at this address*
- 8) Planning Commission Minutes from 2006 and 2005 regarding prior applications at this address*
- 9) Planning Commission staff reports from 2006 and 2005 regarding prior applications at this address*
- 10) Correspondence and plans considered by Planning Commission in 2005*

[illegible]

SPENO HOMES

1102 SOUTH STANFORD BLVD
SAN JOSE, CA 95128

Primer

POMEROY 3

1375 POWELL AVENUE
SANTA CLAY, CALIF. 94588[illegible]

Clinical Examination		Date
General		
Head		
Eyes		
Ears		
Nose		
Throat		
Heart		
Lungs		
Abdomen		
Genitals		
Rectum		
Extremities		
Neurological		
Skin		
Other		

姓名	王
性别	男
年龄	40
职业	教师
住址	北京市
电话	
邮编	
单位	
备注	




SITE PLAN

A1.0

SITE PLAN

$$\tau/\theta^* = \tau^* - \sigma^*$$

LEGEND

	Units	3 Units
	Patio/Entry	
	Line of floor above	
	8' High Wood Fence	

PRIVATE VARIOUS AREA FOR UNIT A

1) ORIGINAL : 551.84 NOFT.
2) NOW : 332.8 SOFT.

1) ORIGINAL : 11.184 MOFT.
2) NOW : 932.8 SOFT.

PRIVATE YARD AREA FOR UNIT C

1) ORIGINAL : 1190.3 SQFT.
2) NOW : 1272.0 SQFT

ORIGINAL : 1782.3 SQFT.
[Z] NOW : 1272.0 SQFT

PRIVATE YARD AREA FOR UNIT A

ORIGINAL: 771.67 SOFT.
NOW: 728.3 SOFT.

MON (M) : 720.5 SOFT.

124 4.30.

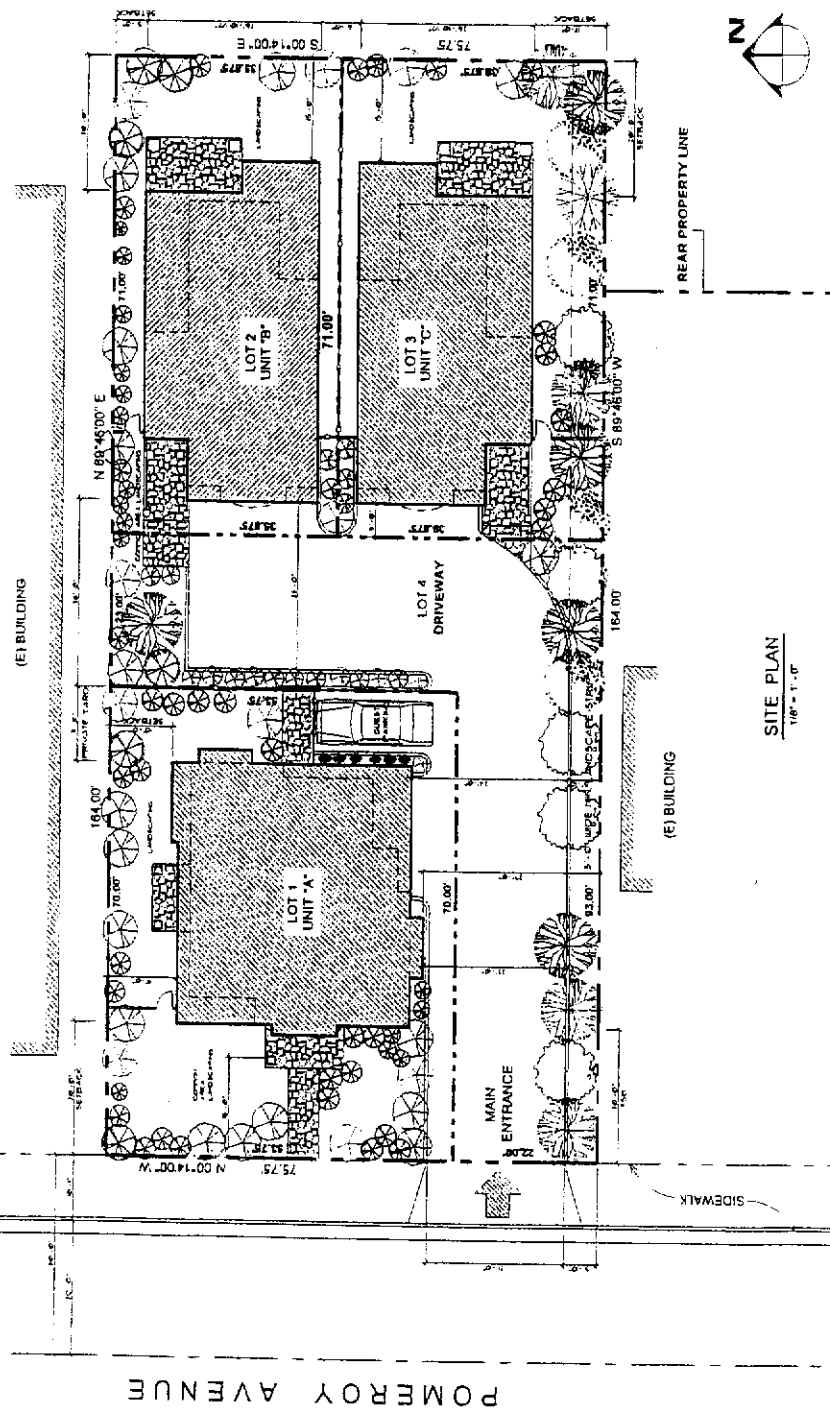
BLDG FOOTPRINT
1211, 1000 SQ FT
30.2 %



UNITED STATES	819 %
LANDS COMPANY	302 %

PAVEMENT COVERAGE. 708.4 sq ft (5.7 %)

FLOOR AREA RATIO - TOTAL BUILDING FOOTPRINT : LOT SIZE

FLOOR AREA RATIO = TOTAL BLDG. FOOTPRINT / LOT SIZE



International and production Tel: 440 303 33 60		Dr. A. Anderson, AIA Europe
L2001, Legation, Rue de la Solvay 51 - Brussels, BE 1050		Tel: 440 303 33 60 Fax: 440 303 33 60

SPENDO HOMES
11142 SOUTH WINCHESTER BLVD
LAHOLSE, CA 94128POMEROY 3
1113 POMEROY AVENUE
SANTA CLARA, CA 95051

City Reviews		Date
City	Comments	
1. New York City	Very good, but the city is too big and the traffic is too bad.	10/10/10
2. Los Angeles	Very good, but the city is too big and the traffic is too bad.	10/10/10
3. Chicago	Very good, but the city is too big and the traffic is too bad.	10/10/10
4. San Francisco	Very good, but the city is too big and the traffic is too bad.	10/10/10
5. Boston	Very good, but the city is too big and the traffic is too bad.	10/10/10
6. Washington, D.C.	Very good, but the city is too big and the traffic is too bad.	10/10/10
7. Houston	Very good, but the city is too big and the traffic is too bad.	10/10/10
8. Phoenix	Very good, but the city is too big and the traffic is too bad.	10/10/10
9. San Diego	Very good, but the city is too big and the traffic is too bad.	10/10/10
10. Dallas	Very good, but the city is too big and the traffic is too bad.	10/10/10

[illegible]

~~UNIT 'B' - THREE~~
FLOOR PLANS

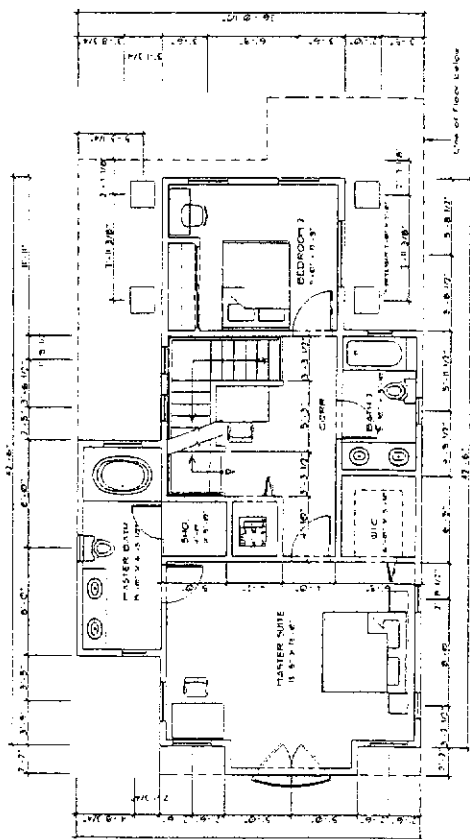
A2.2

2. P / 104 January 1

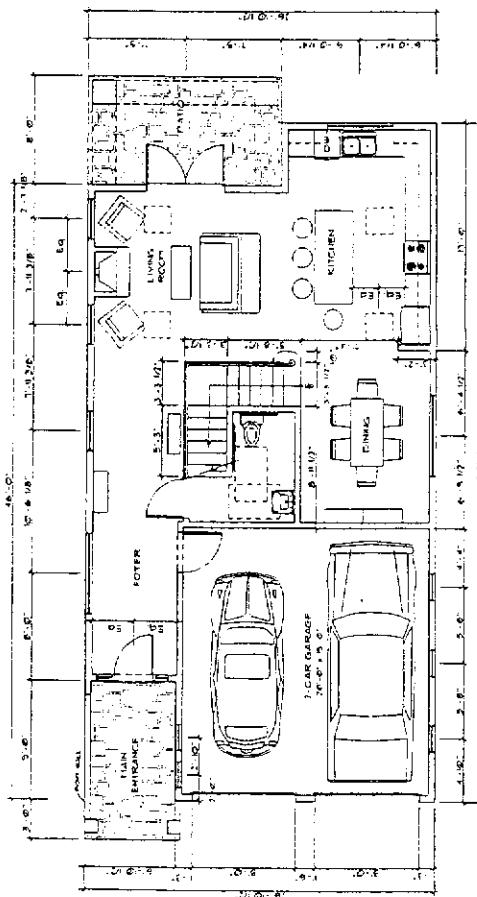
LIVING : 841.6 Sq. ft.
STAIR : 68.8 Sq. ft.

LIVING: 819.8 Sq. ft.
GARAGE: 410.8 Sq. ft.

SECOND FLOOR PLAN



FIRST FLOOR PLAN



REVISIONS

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	10/1/88	W. J. PETERSON	
2	REVISIONS TO PERMIT	10/1/88	W. J. PETERSON	
3	REVISIONS TO PERMIT	10/1/88	W. J. PETERSON	

W. J. PETERSON ARCHITECTS
110 SOUTH VINCENNES BLVD.
SAN JOSE, CA 95128

SPERO HOMES
110 SOUTH VINCENNES BLVD.
SAN JOSE, CA 95128

POMEROY 3
110 POMEROY AVENUE
SAN JOSE, CA 95128

Drawn By: W. J. PETERSON
Checked By: W. J. PETERSON
Date: 10/1/88

SPERO HOMES
110 SOUTH VINCENNES BLVD.
SAN JOSE, CA 95128

POMEROY 3
110 POMEROY AVENUE
SAN JOSE, CA 95128



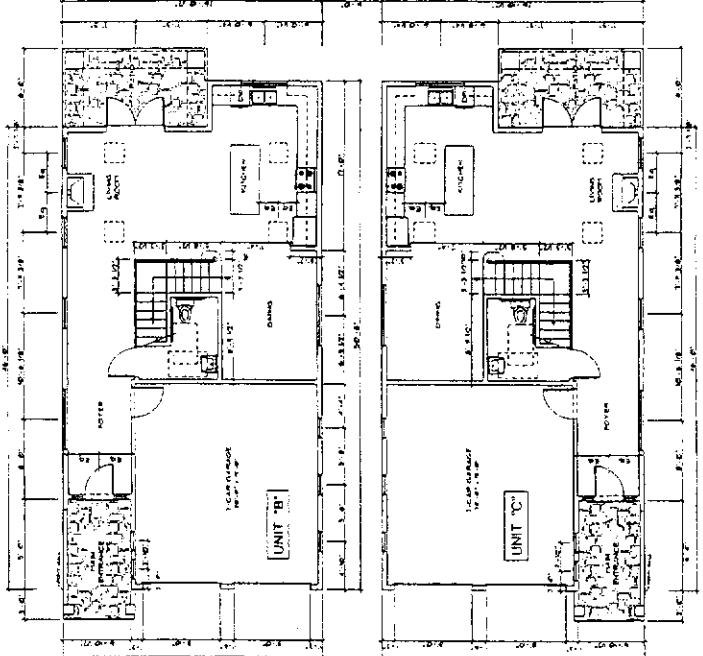
City Reviews	
NO.	DATE

Client Revisions	
NO.	DATE

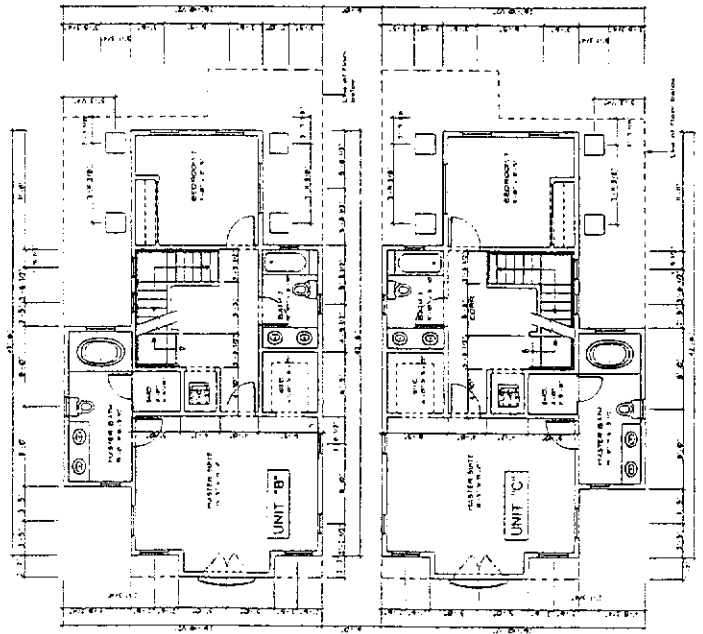
UNIT 'B' & 'C'
FLOOR PLANS

A2.3

Sheet 11 of 11



FIRST FLOOR PLAN



SECOND FLOOR PLAN

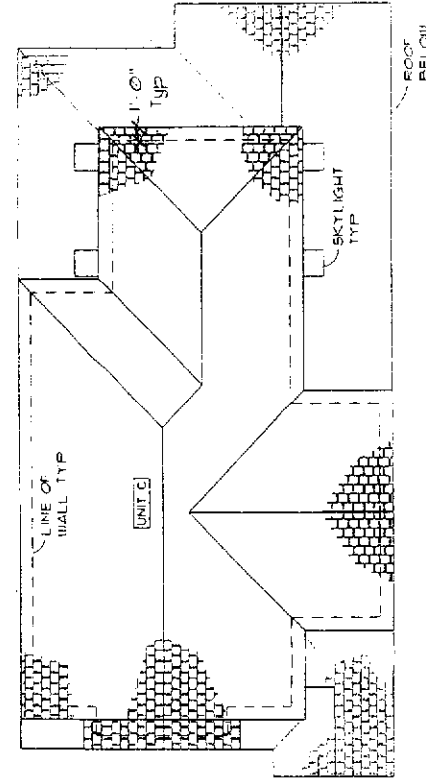
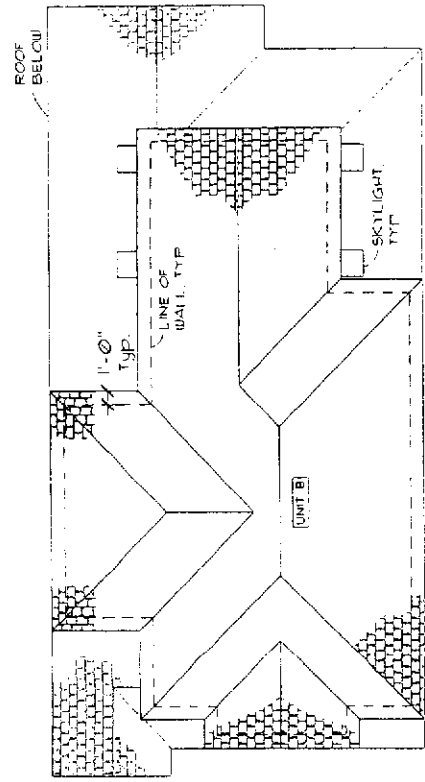


NO.	DESCRIPTION	DATE
1	Client Revision	
2		
3		
4		
5		
6		
7		
8		
9		
10		

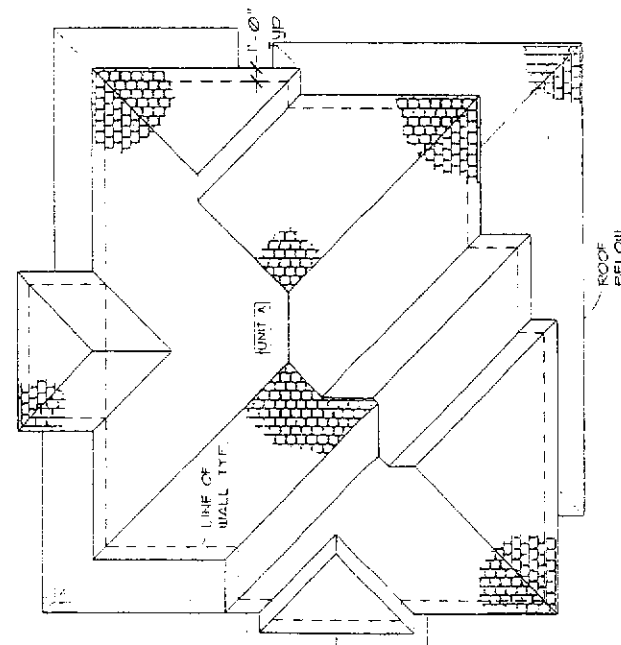
NO.	DESCRIPTION	DATE
1	Client Revision	
2		
3		
4		
5		
6		
7		
8		
9		
10		

UNIT 'A', 'B' & 'C'
ROOF PLAN

A2.4

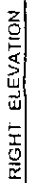
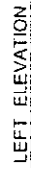


UNIT 'B' & 'C' ROOF PLAN



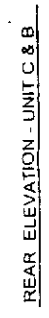
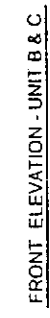
UNIT 'A' ROOF PLAN

BLEND CONCRETE ROOF TILE
STUCCO WALL W/ SMOOTH
FINISH & COLOR
VINYL WINDOW W/ DIVIDED LITES
ENTRY DOOR W/ SIDE LITES
SECTIONAL GARAGE DOOR
BALCONY W/ WROUGHT IRON RAILING
FROM ARTISTIC RAILING INC. OR SIM
FLAUSTONE VENEER FOR OUT WALL
STUCCO CORNERED FROM TRIMS
DECORATIVE COLUMNS
DECORATIVE METAL LIGHT FIXTURE
STREET ADDRESS LETTER CUT OUTS
GLASS DOOR W/ DIVIDED LITES
6" HIGH FENCE IN SECTION
6" HIGH FENCE



A3.1 a

[illegible]



BLEND CONCRETE IS SMOOTH. STUCCO WALL W/ SMOOTH FINISH & COLOR. VINYL WINDOW W/ DIVIDED LITES SECTIONAL GARAGE DOOR SECTIONAL GARAGE DOOR W/RIGHT HAND BAL. CONT. KALSTONE VENEER ON OUT WALL. STUCCO COVERED FOAM TRIMS 2" X 2" BLYLIGHT DECORATIVE METAL LIGHT FIXTURE. SKEEAL ADDRESS LETTER OUT QU.DS. GLASS DOOR W/ DIVIDED LITES 6" HIGH FENCE IN SECTION 5' HIGH FENCE. BAYSTONE ARCH TRIANGULAR GABLE VENT

RIGHT ELEVATION - UNIT C

The use of these plans and specifications shall be limited to be for the use of the contractor for the purpose of preparing the contract documents. The contractor shall not be permitted to use the plans and specifications for any other purpose without the written consent of the architect. The contractor shall not be permitted to use the plans and specifications for any other purpose without the written consent of the architect. The contractor shall not be permitted to use the plans and specifications for any other purpose without the written consent of the architect.

SPENO HOMES
1127 SOUTH WINCHESTER BLVD
SAH JOSE, CA 95128

POMEROY 3
1371 POMEROY AVENUE
SANTA CLARA, CA 95051

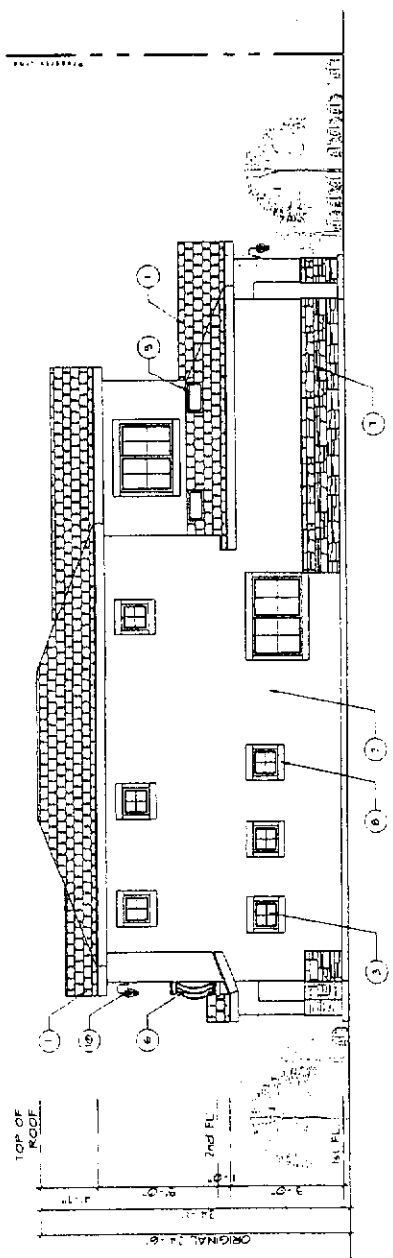
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Ref.	Question	Answer
1	What is the main purpose of the study?	To investigate the effect of the new curriculum on the learning outcomes of the students.
2	What are the research objectives?	To determine the level of student achievement, to identify the factors affecting student achievement, and to propose strategies to improve student achievement.
3	What is the research hypothesis?	There is a significant difference in the learning outcomes of the students who were taught using the new curriculum and those who were taught using the old curriculum.
4	What is the significance of the study?	The study is significant because it provides valuable information about the effectiveness of the new curriculum and helps to identify the factors that affect student achievement.
5	What are the limitations of the study?	The study is limited by the sample size, the duration of the study, and the lack of control over external factors.

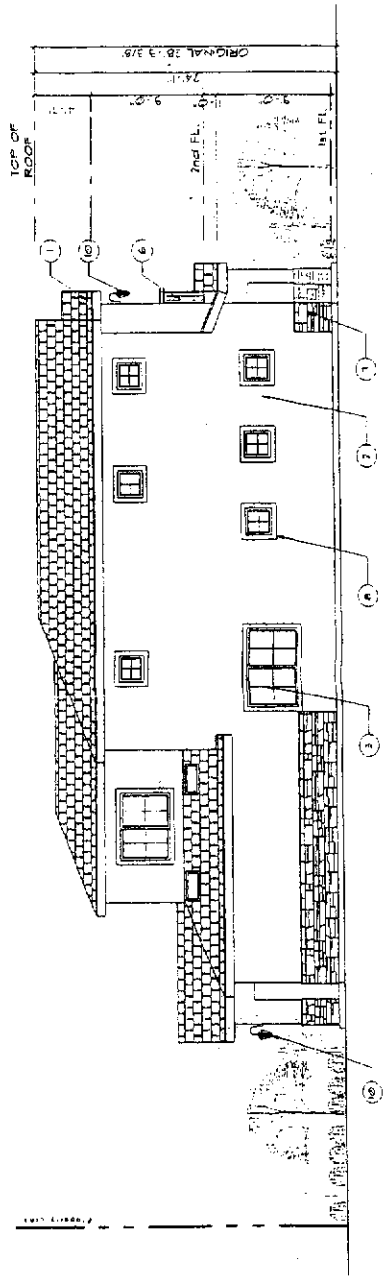
Free	1978
Male	0.27 ± 0.11
Open R.	1.2
Open R.	1.0
Male	

UNIT "B&C"
EXTERIOR
ELEVATIONS

A3.4



RIGHT ELEVATION - UNIT B



LEFT ELEVATION - UNIT C

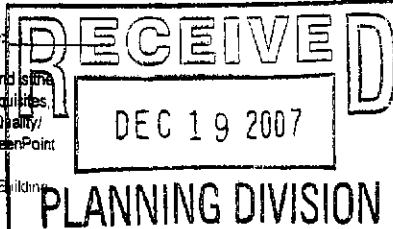
ELEVATION NOTES

- BLEND CONCRETE DOOR 10" F.
STUCCO WALL W/ SMOOTH
FRESH & COLOR
VINYL WINDOW W/ DIVIDED LITES
ENTRY DOOR WITH SIDE LITES
SECTIONAL GARAGE DOOR
WROUGHT IRON BALCONY
KLADSTONE VINYL POR. OUT WALL
DOOR COVERED FOAM TRIMS
7' 0" X 2' 0" SKYLIGHT
DECORATIVE METAL LIGHT FIXTURES
STEEL ADDRESS: 1 FIFTER CUT OUTS
GLASS DOOR W/ DIVIDED LITES
6' HIGH FENCE IN SECTION
BAYSTONE ARCH.
TRIANGULAR GABLE VENT

P V2007-06781

Single Family GreenPoint Checklist

date:



Build It Green

Helping you build a better home.

The GreenPoint Checklist is based on the various green features incorporated into the home and is the basis for the GreenPoint Rated program. A home can be considered green if it fulfills the prerequisites, earns at least 50 points, and meets the minimum points per category: Energy (30), Indoor Air Quality/Health (5), Resources (5), and Water (9). Please contact Build It Green for a list of qualified GreenPoint Raters if you are interested in pursuing third-party verification.

The green building practices listed below are described in the New Home Construction Green Building Guidelines, available at www.builditgreen.org



POMEROY 3 - 1575 POMEROY AVE. SANTA CLARA CA 95051

A. SITE		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
			Points Available Per Measure				
<input checked="" type="checkbox"/>	1. Protect Topsoil and Minimize Disruption of Existing Plants & Trees						
<input checked="" type="checkbox"/>	a. Protect Topsoil from Erosion and Reuse after Construction	2	1				1
<input checked="" type="checkbox"/>	b. Limit and Delineate Construction Footprint for Maximum Protection	1					1
<input checked="" type="checkbox"/>	2. Deconstruct instead of Demolishing Existing Buildings On Site	3					
<input checked="" type="checkbox"/>	3. Recycle Job Site Construction Waste (Including Green Waste)						
<input type="checkbox"/>	a. Minimum 50% Waste Diversion by Weight (Recycling or Reuse) - Required	0				R	
<input checked="" type="checkbox"/>	b. Minimum 65% Diversion by Weight (Recycling or Reuse)	2				2	
<input checked="" type="checkbox"/>	c. Minimum 80% Diversion by Weight (Recycling or Reuse)	2				2	
<input checked="" type="checkbox"/>	4. Use Recycled Content Aggregate (Minimum 25%)						
<input checked="" type="checkbox"/>	a. Walkway and Driveway	1				1	
<input checked="" type="checkbox"/>	b. Roadway Base	1				1	
Total Points Available in Site = 12		12					

B. FOUNDATION		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
			Points Available Per Measure				
<input checked="" type="checkbox"/>	1. Replace Portland Cement in Concrete with Recycled Flyash or Slag						
<input checked="" type="checkbox"/>	a. Minimum 20% Flyash or Slag	1				1	
<input checked="" type="checkbox"/>	b. Minimum 25% Flyash or Slag	1				1	
<input type="checkbox"/>	2. Use Frost-Protected Shallow Foundation in Cold Areas (C.E.C. Climate Zone 16)	0				3	
<input type="checkbox"/>	3. Use Radon Resistant Construction (In At-Risk Locations Only)	0			1		
<input checked="" type="checkbox"/>	4. Design and Build Structural Pest Controls						
<input checked="" type="checkbox"/>	a. Install Termite Shields & Separate All Exterior Wood-to-Concrete Connections by Metal or Plastic Fasteners/Dividers	1				1	
<input checked="" type="checkbox"/>	b. All New Plants Have Trunk, Base, or Stem Located At Least 36 inches from Foundation	1				1	
Total Points Available in Foundation = 6		6					

C. LANDSCAPING		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
			Points Available Per Measure				
<input checked="" type="checkbox"/>	1. Construct Resource-Efficient Landscapes						
<input checked="" type="checkbox"/>	a. No Invasive Species Listed by CalIPC Are Planted	1				1	
<input checked="" type="checkbox"/>	b. No Plant Species Will Require Hedging	1				1	
<input checked="" type="checkbox"/>	c. 75% of Plants Are Drought-Tolerant California Natives, Mediterranean, or Other Appropriate Species	3				3	
<input checked="" type="checkbox"/>	2. Use Fire-Safe Landscaping Techniques	1	1				
<input type="checkbox"/>	3. Minimize Turf Areas in Landscape Installed by Builder						
<input type="checkbox"/>	a. All Turf Will Have a Water Requirement Less than or Equal to Tall Fescue (\$0.8 plant factor)	0				2	
<input type="checkbox"/>	b. Turf Shall Not Be Installed on Slopes Exceeding 10% or in Areas Less than 8 Feet Wide	0				2	
<input checked="" type="checkbox"/>	c. Turf is ≤ 33% of Landscaped Area (total 2 points)	2				2	
<input checked="" type="checkbox"/>	d. Turf is ≤ 10% of Landscaped Area (total 4 points)	2				2	
<input checked="" type="checkbox"/>	4. Plant Shade Trees	3				3	
<input type="checkbox"/>	5. Group Plants by Water Needs (Hydrozoning)	0				2	
<input checked="" type="checkbox"/>	6. Install High-Efficiency Irrigation Systems						
<input checked="" type="checkbox"/>	a. System Uses Only Low-Flow Drip, Bubblers, or Low-flow Sprinklers	2				2	
<input checked="" type="checkbox"/>	b. System Has Smart Controllers	3				2	
<input checked="" type="checkbox"/>	7. Incorporate Two inches of Compost in the Top 6 to 12 inches of Soil	3				3	
<input checked="" type="checkbox"/>	8. Mulch All Planting Beds to the Greater of 2 inches or Local Water Ordinance Requirement	2				2	
<input checked="" type="checkbox"/>	9. Use 50% Salvaged or Recycled-Content Materials for 50% of Non-Plant Landscape Elements	1				1	
<input checked="" type="checkbox"/>	10. Reduce Light Pollution by Shielding Fixtures and/or Directing Light Downward	1	1				
Total Points Available in Landscaping = 31		31					

D. STRUCTURAL FRAME & BUILDING ENVELOPE		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
			Points Available Per Measure				
<input checked="" type="checkbox"/>	1. Apply Optimal Value Engineering						
<input checked="" type="checkbox"/>	a. Place Rafters and Studs at 24-inch On Center Framing	1				1	
<input checked="" type="checkbox"/>	b. Size Door and Window Headers for Load	1				1	
<input checked="" type="checkbox"/>	c. Use Only Jack and Chripple Studs Required for Load	1				1	
<input checked="" type="checkbox"/>	2. Use Engineered Lumber						
<input checked="" type="checkbox"/>	a. Beams and Headers	1				1	
<input type="checkbox"/>	b. Insulated Engineered Headers	0					
<input type="checkbox"/>	c. Wood Joists or Web Trusses for Floors	0				1	
<input checked="" type="checkbox"/>	d. Wood Joists for Roof Rafters	1				1	
<input type="checkbox"/>	e. Engineered or Finger-Jointed Studs for Vertical Applications	0				1	
<input checked="" type="checkbox"/>	f. Oriented Strand Board for Subfloor	1				1	
<input checked="" type="checkbox"/>	g. Oriented Strand Board for Wall and Roof Sheathing	1				1	
<input type="checkbox"/>	3. Use FSC-Certified Wood						
<input type="checkbox"/>	a. Dimensional Lumber, Studs and Timber: Minimum 40%	0				2	
<input type="checkbox"/>	b. Dimensional Lumber, Studs and Timber: Minimum 70%	0				2	
<input type="checkbox"/>	c. Panel Products: Minimum 40%	0				1	
<input type="checkbox"/>	d. Panel Products: Minimum 70%	0				1	
<input type="checkbox"/>	4. Use Solid Wall Systems (Includes SIPs, ICFs, & Any Non-Stick Frame Assembly)						
<input type="checkbox"/>	a. Floors	0				2	
<input type="checkbox"/>	b. Walls	0				2	

POMEROY 3 - 1575 POMEROY AVE. SANTA CLARA CA 95051

	Points Achieved	Community	Energy	Indoor Air Quality	Resources	Water
<input type="checkbox"/> c. Roofs	0					
5. Reduce Pollution Entering the Home from the Garage						
<input checked="" type="checkbox"/> a. Tightly Seal the Air Barrier between Garage and Living Area	1					
<input checked="" type="checkbox"/> b. Install Garage Exhaust Fan OR Build a Detached Garage	1					
6. Design Energy Heels on Trusses (75% of Attic Insulation Height at Outside Edge of Exterior Wall)	0		1			
<input checked="" type="checkbox"/> 7. Design Roof Trusses to Accommodate Ductwork	1		1			
<input type="checkbox"/> 8. Use Recycled-Content Steel Studs for 90% of Interior Wall Framing	0				1	
<input checked="" type="checkbox"/> 9. Thermal Mass Walls: 5/8-inch Drywall on All Interior Walls or Walls Weighing more than 40 lbs/cu.ft.	1		1			
10. Install Overhangs and Gutters						
<input type="checkbox"/> a. Minimum 16-inch Overhangs and Gutters	0				1	
<input type="checkbox"/> b. Minimum 24-inch Overhangs and Gutters	0					

Total Points Available in Structural Building Frame and Envelope = 36

E. EXTERIOR FINISH		Points Available Per Measure
<input type="checkbox"/> 1. Use Recycled-Content (No Virgin Plastic) or FSC-Certified Wood Decking	0	2
<input type="checkbox"/> 2. Install a Rain Screen Wall System	0	2
<input checked="" type="checkbox"/> 3. Use Durable and Noncombustible Siding Materials	1	1
<input checked="" type="checkbox"/> 4. Select Durable and Noncombustible Roofing Materials	2	2

Total Points Available in Exterior Finish = 7

F. INSULATION		Points Available Per Measure
1. Install Insulation with 75% Recycled Content		
<input checked="" type="checkbox"/> a. Walls and/or Floors	1	1
<input checked="" type="checkbox"/> b. Ceilings	1	1
2. Install Insulation that is Low-Emitting (Certified Section D1350)		
<input checked="" type="checkbox"/> a. Walls and/or Floors	1	1
<input checked="" type="checkbox"/> b. Ceilings	1	1
<input checked="" type="checkbox"/> 3. Inspect Quality of Insulation Installation before Applying Drywall	1	1

Total Points Available in Insulation = 5

G. PLUMBING		Points Available Per Measure
1. Distribute Domestic Hot Water Efficiently (Maximum 7 Points)		
<input checked="" type="checkbox"/> a. Insulate Hot Water Pipes from Water Heater to Kitchen	2	1
<input checked="" type="checkbox"/> b. Insulate All Hot Water Pipes	2	1
<input type="checkbox"/> c. Use Engineered Parallel Piping	0	1
<input type="checkbox"/> d. Use Engineered Parallel Piping with Demand Controlled Circulation Loop	0	1
<input type="checkbox"/> e. Use Structured Plumbing with Demand Controlled Circulation Loop	0	2
<input type="checkbox"/> f. Use Central Core Plumbing	0	2
<input checked="" type="checkbox"/> 2. Install Only High Efficiency Toilets (Dual-Flush or 1.28 gpf)	4	4

Total Points Available in Plumbing = Total 12

H. HEATING, VENTILATION & AIR CONDITIONING		Points Available Per Measure
<input checked="" type="checkbox"/> 1. Design and Install HVAC System to ACCA Manual J, D, and S Recommendations	4	4
2. Install Sealed Combustion Units		
<input checked="" type="checkbox"/> a. Furnaces	2	2
<input type="checkbox"/> b. Water Heaters	2	2
<input type="checkbox"/> 3. Install Zoned, Hydronic Radiant Heating with Slab Edge Insulation	0	1
<input checked="" type="checkbox"/> 4. Install High Efficiency Air Conditioning with Environmentally Responsible Refrigerants	1	2
5. Design and Install Effective Ductwork		
<input type="checkbox"/> a. Install HVAC Unit and Ductwork within Conditioned Space	0	2
<input checked="" type="checkbox"/> b. Use Duct Mastic on All Duct Joints and Seams	1	1
<input type="checkbox"/> c. Install Ductwork under Attic Insulation (Buried Ducts)	0	1
<input checked="" type="checkbox"/> d. Pressure Balance the Ductwork System	1	1
<input checked="" type="checkbox"/> e. Protect Ducts during Construction and Clean All Ducts before Occupancy	1	1
<input checked="" type="checkbox"/> 6. Install High Efficiency HVAC Filter (MERV 5+)	1	1
<input checked="" type="checkbox"/> 7. Don't Install Fireplaces or Install Sealed Gas Fireplaces with Efficiency Rating Not Less Than 60% using CSA Standards	1	1
8. Install Effective Exhaust Systems in Bathrooms and Kitchens		
<input checked="" type="checkbox"/> a. Install ENERGY STAR Bathroom Fans Vented to the Outside	1	1
<input checked="" type="checkbox"/> b. All Bathroom Fans Are on Timer or Humidistat	1	1
<input checked="" type="checkbox"/> c. Install Kitchen Range Hood Vented to the Outside	1	1
9. Install Mechanical Ventilation System for Cooling (Maximum 4 Points)		
<input checked="" type="checkbox"/> a. Install ENERGY STAR Ceiling Fans & Light Kits in Living Areas & Bedrooms	1	1
<input checked="" type="checkbox"/> b. Install Whole House Fan with Variable Speeds	1	1
<input type="checkbox"/> c. Automatically Controlled Integrated System	0	2
<input type="checkbox"/> d. Automatically Controlled Integrated System with Variable Speed Control	0	3
10. Install Mechanical Fresh Air Ventilation System (Maximum 3 Points)		
<input checked="" type="checkbox"/> a. Any Whole House Ventilation System That Meets ASHRAE 62.2	2	2
<input type="checkbox"/> b. Install Air-to-Air Heat Exchanger that meets ASHRAE 62.2	0	1
<input checked="" type="checkbox"/> 11. Install Carbon Monoxide Alarm(s)	1	1

Total Points Available in Heating, Ventilation and Air Conditioning = 30

I. RENEWABLE ENERGY		Points Available Per Measure
<input checked="" type="checkbox"/> 1. Pre-Plumb for Solar Hot Water Heating	4	4
<input type="checkbox"/> 2. Install Solar Water Heating System	0	10
<input checked="" type="checkbox"/> 3. Install Wiring Conduit for Future Photovoltaic Installation & Provide 200 ft. of South-Facing Roof	2	2
4. Install Photovoltaic (PV) Panels		
<input type="checkbox"/> a. 30% of electric needs OR 1.2 kW (total 5 points)	0	5
<input type="checkbox"/> b. 60% of electric needs OR 2.4 kW (total 12 points)	0	5

POMEROY 3 - 1575 POMEROY AVE. SANTA CLARA CA 95051

☐ c. 80% of electric need OR 3.6 kW (total 16 points)

Points Achieved	Community	Energy	IAQ/Health	Resources	Water
0	6				

Total Available Points in Renewable Energy = 26

J. BUILDING PERFORMANCE

Points Available Per Measure

<input checked="" type="checkbox"/> 1. Diagnostic Evaluations					
<input checked="" type="checkbox"/> a. House Passes Blower Door Test	1				
<input checked="" type="checkbox"/> b. House Passes Combustion Safety Backdraft Test	1				
15% 2. Design and Build High Performance Homes - % above Title 24 - minimum 15% Required	30		≥30		
<input type="checkbox"/> 3. House Obtains ENERGY STAR with Indoor Air Package Certification - Pilot Measure (Total 45 points; read comment)	0		5	2	

Total Available Points in Building Performance = 30

K. FINISHES

Points Available Per Measure

<input checked="" type="checkbox"/> 1. Design Entryways to Reduce Tracked in Contaminants	1		1		
<input checked="" type="checkbox"/> 2. Use Low-VOC or Zero-VOC Paint (Maximum 3 Points)					
<input checked="" type="checkbox"/> a. Low-VOC Interior Wall/Ceiling Paints (<50 gpl VOCs (Flat) and <150 gpl VOCs (Non-Flat))	0		1		
<input checked="" type="checkbox"/> b. Zero-VOC: Interior Wall/Ceiling Paints (<5 gpl VOCs (Flat))	3		2		
<input checked="" type="checkbox"/> 3. Use Low VOC, Water-Based Wood Finishes (<250 gpl VOCs)	2		2		
<input checked="" type="checkbox"/> 4. Use Low-VOC Caulk and Construction Adhesives (<70 gpl VOCs) for All Adhesives	2		2		
<input type="checkbox"/> 5. Use Recycled-Content Paint	0			1	
<input type="checkbox"/> 6. Use Environmentally Preferable Materials for Interior Finish: A) FSC-Certified Wood, B) Reclaimed, C) Rapidly Renewable, D) Recycled-Content or E) Finger-Jointed					
<input checked="" type="checkbox"/> a. Cabinets (50% Minimum)	1			1	
<input checked="" type="checkbox"/> b. Interior Trim (50% Minimum)	1			1	
<input checked="" type="checkbox"/> c. Shelving (50% Minimum)	1			1	
<input checked="" type="checkbox"/> d. Doors (50% Minimum)	1			1	
<input checked="" type="checkbox"/> e. Countertops (50% Minimum)	1			1	
<input checked="" type="checkbox"/> 7. Reduce Formaldehyde in Interior Finish (CA Section 01350)					
<input checked="" type="checkbox"/> a. Subfloor & Stair Treads (50% Minimum)	1		1		
<input checked="" type="checkbox"/> b. Cabinets & Countertops (50% Minimum)	1		1		
<input checked="" type="checkbox"/> c. Interior Trim (50% Minimum)	1		1		
<input checked="" type="checkbox"/> d. Shelving (50% Minimum)	1		1		
<input checked="" type="checkbox"/> b. After Installation of Finishes, Test of Indoor Air Shows Formaldehyde Level <27ppb	3		2		

Total Available Points in Finishes = 21

L. FLOORING

Points Available Per Measure

<input type="checkbox"/> 1. Use Environmentally Preferable Flooring: A) FSC-Certified Wood, B) Reclaimed or Refinished, C) Rapidly Renewable, D) Recycled-Content, E) Exposed Concrete. Flooring Adhesives Must Have <50 gpl VOCs.					
<input checked="" type="checkbox"/> a. Minimum 15% of Floor Area	1		1		
<input checked="" type="checkbox"/> b. Minimum 30% of Floor Area	1		1		
<input checked="" type="checkbox"/> c. Minimum 50% of Floor Area	1		1		
<input checked="" type="checkbox"/> d. Minimum 75% of Floor Area	1		1		
<input checked="" type="checkbox"/> 2. Thermal Mass Floors: Floor Covering Other than Carpet on 50% or More of Concrete Floors	1		1		
<input type="checkbox"/> 3. Flooring Meets Section 01350 or CRU Green Label Plus Requirements (50% Minimum)	0		2		

Total Available Points in Flooring = 7

M. APPLIANCES AND LIGHTING

Points Available Per Measure

<input checked="" type="checkbox"/> 1. Install Water and Energy Efficient Dishwasher					
<input checked="" type="checkbox"/> a. ENERGY STAR (total 1 point)	1		1		
<input checked="" type="checkbox"/> b. Dishwasher Uses No More than 6.5 Gallons/Cycle (total 2 points)	1			1	
<input checked="" type="checkbox"/> 2. Install ENERGY STAR Clothes Washing Machine with Water Factor of 5 or Less					
<input checked="" type="checkbox"/> a. Meets Energy Star and CEE Tier 2 requirements (modified energy factor 2.0, Water Factor 6.0) (total 3 points)	3		1		2
<input type="checkbox"/> b. Meets Energy Star and CEE Tier 3 requirements (modified energy factor 2.2, Water Factor 4.5 or less) (total 5 points)	0			2	
<input checked="" type="checkbox"/> 3. Install ENERGY STAR Refrigerator					
<input checked="" type="checkbox"/> a. ENERGY STAR Qualified & < 20 Cubic Feet Capacity	1		1		
<input type="checkbox"/> b. ENERGY STAR Qualified & < 20 Cubic Feet Capacity	0		1		
<input checked="" type="checkbox"/> 4. Install Built-In Recycling Center	0				
<input checked="" type="checkbox"/> a. Built-In Recycling Center	2			2	
<input type="checkbox"/> b. Built-In Composting Center	0			1	

Total Available Points in Appliances and Lighting = 12

N. OTHER

Points Available Per Measure

<input checked="" type="checkbox"/> 1. Incorporate GreenPoint Rated Checklist in Blueprints - Required	0					R
<input type="checkbox"/> 2. Develop Homeowner Manual of Green Features/Benefits	0		1	1		1
3. Community Design Measures & Local Priorities: See the Community Planning & Design section in Chapter 4 of the New Home Guidelines for measures. Maximum of 20 points for suggested measures. Local requirements may also be listed here.						
<input type="checkbox"/> Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
<input type="checkbox"/> Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
<input type="checkbox"/> Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
<input type="checkbox"/> Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
4. Innovation: List innovative measures that meet the green building objectives of the Guidelines. Enter up to a maximum combined total of 20 pts. See Innovation Checklist for suggested measures. Using the link to the right.						
<input type="checkbox"/> Innovation in Community: Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
<input type="checkbox"/> Innovation in Energy: Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
<input type="checkbox"/> Innovation in IAQ/Health: Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
<input type="checkbox"/> Innovation in Resources: Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0

Build It Green Checklists and Guidelines

POMEROY 3 - 1575 POMEROY AVE. SANTA CLARA CA 95051		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
<input type="checkbox"/>	Innovation in Water: Enter description here, and enter points available for measure in appropriate categories to the right.	0	0	0	0	0	0
Total Available Points in Other = 43		0					

Summary							
Total Available Points in Specific Categories*			4+	96+	42+	66+	43+
Minimum Points Required in Specific Categories			0	30	5	6	9
Total Points Achieved			161	4	55	32	38

Project has not yet met the following recommended minimum requirements:

2) May 28, 2008 Excerpt Minutes

categorically exempt per Section 15323 of CEQA. Commissioner Marine made the motion to adopt the Resolution and approve the Variance request, subject to conditions. The motion was seconded and unanimously approved by the Commission (Barcells excused).

Mr. Riley noted that this action is final, unless appealed within 7 days.

10. File: **PLN2007-06781**
Location: 1575 Pomeroy Avenue, a 12,423 square foot lot, located on the east side of Pomeroy Avenue, approximately 350 feet south of El Camino Real (APN 290-03-089). Property is zoned R1-6L (Single Family Residential).
Applicant: Kurt Anderson of Anderson Architects
Owner: ERN Speno LLC
Request: **Rezone from R1-6L to PD (Planned Development/R3-18D)** to demolish an existing residence and construct three detached townhomes.
Project Planner: Doug Handerson, AICP, Associate Planner

Summary of Discussion – May 28, 2008

Ms. Sciara provided a background on past hearings for this project, as well as General Plan and zoning designations for the property which would allow up to 5 units.

Kurt Anderson, applicant, addressed the Commission and stated they had worked on alternate plans and now they are back to the original plan. He noted there are increased front setbacks from Pomeroy Avenue, increased landscaping and reduced building height.

Eddie Souza of 1525 Pomeroy Avenue then addressed the Commission. He noted he is still not getting correct mailing and that the property was not entitled to 5 units. Mr. Souza stated that one guest parking space is not enough; that the drawings are incorrect; that more than 2 parking spaces per unit should be provided and that City Council has already turned down three projects for this property. He then stated that this project does not blend in with the community and that other PDs and variance approvals stick out like a sore thumb.

James Rowen then stated that the applicant is asking for a Rezoning, which is much more than a Variance. He stated that the project will have a negative impact and that there was significant neighborhood opposition.

Robert Fitch, residence of Rosita Drive, then addressed the Commission noting some of his concerns about the project, such as driveway location (on wrong side), private yard locations and that he felt the proposal should deal with sensitivity to avoid negative impacts.

Chris Stampolis of 1000 Kiely Boulevard #46, then addressed the Commission. Mr. Stampolis questioned the recommended findings regarding the housing stock in the staff report. He talked of Pomeroy Elementary School being the second largest in the district.

Kevin Park of Peppertree Court then addressed the Commission. Mr. Park noted that the property is valuable as a larger property and noted the concerns of the neighborhood.

Mr. Anderson, applicant/architect, noted the elevation Mr. Souza had presented was incorrect and that the project has been revised at the direction of the Planning Commission, while noting the driveway was proposed to distance the new units from the existing single family residence.

The public hearing was closed.

Chairperson Champeny stated that although some changes have been made, he still cannot make the findings to support the request. Commissioner O'Neill stated she had met with Mr. Souza last

week. Commissioner Fitch stated he did not see any significant changes from the last proposal.

Commission Recommendation – May 28, 2008

It was moved by Commissioner Marine, seconded by Commissioner Fitch and unanimously carried (Barcells excused) to recommend City Council Denial of the Rezoning.

Staff noted that the Planning Commission recommendation would be reviewed by City Council.

11. File: **PLN2007-06419/CEQ2007-01047**
Location: 2585 El Camino Real, an 1.45-acre site on the north side of El Camino Real, east of Saratoga Creek and 490 feet. west of Morse Lane (APN: 216-01-008). Property is zoned CT (Thoroughfare Commercial)
Applicant/Owner: Greg Malley
Request: **Adopt Mitigated Negative Declaration; General Plan Amendment #68 from Mixed Use to Transit Oriented Mixed Use; and Rezone from CT (Thoroughfare Commercial) to PD (Planned Development) for the development of a four-story mixed use project with ground floor retail, 60 condominium units above, site access, circulation, parking and landscape improvements**
Project Planner: Debby Fernandez, Assistant Planner II

Summary of Discussion – May 28, 2008

Ms. Fernandez, project planner, summarized the last public hearing on this item, held April 9th. She then presented power point slides of the project, including aerials and photos of the site and surrounding properties. Ms. Fernandez then presented a rear elevation perspective drawing and a shadow study which were handed out at the meeting.

Ms. Fernandez then reviewed the proposed creek trail easement along the west side of the project site and raised landscape planter along the rear elevation of the structure to screen views onto the residential properties to the north. Ms. Fernandez then showed a section drawing of the rear setbacks for comparison of the project to the adjoining single family residences to the north. She noted that changes are required to conditions #11 and #98 and provided the necessary wording of the conditions. She also stated that the applicant may return to file a tentative parcel map for the project to create a single lot subdivision for sale of condominiums.

Maia Gendreau, project architect then addressed the Commission. She presented a shadow study representative of December 21 (shortest day of year) and the Summer Equinox conditions, and then presented a perspective rendering of views from Robinson Avenue. In answer to a question from Commissioner Stattenfield, Ms. Gendreau stated a color scheme has not been selected.

Gisela Del Rio, traffic engineer for Hexagon Transportation Consultants, then addressed the Commission and noted that a Saturday traffic study was added for a Starbuck's at the request of the Planning Commission. She noted Hexagon conducted weekend traffic counts at Starbucks facilities in Milpitas and Santa Clara and imported the data to assess traffic level of service (LOS) generated by the potential location of a Starbucks on the project site. Ms. Del Rio stated that the trip generation rates assumed 1,500 square feet, approximately half of the total proposed retail square footage, which produced an estimate of 100 a.m. peak and 65 p.m. peak hour trips. She stated that the analysis indicates that intersection operations in the vicinity of the project would operate at an acceptable LOS during both weekday and weekend peak hours.

In response to a question from Chairperson Champeny, Ms. Del Rio noted ITE rates do not have published trip generation data for Starbuck's type of coffee shops.



Planning Commission Staff Report –May 28, 2008

Agenda Item # 10

File: **PLN2007-06781**
Location: 1575 Pomeroy Avenue, a 12,423 sq. ft. lot, located on the east side of Pomeroy Avenue approximately 350 ft. south of El Camino Real (APN 290-03-089) Property is zoned R1-6L (Single Family Residential)
Applicant: Kurt Anderson, Anderson Architects
Owner: ERN Speno, LLC
Request: **Rezone** from R1-6L (Single Family Residential) to PD[R3-18D] (Planned Development/R3-18D) to demolish an existing residence and construct three detached townhomes
Project Planner: Douglas Handerson, AICP, Associate Planner
Staff Recommendation: **Recommend Approval, subject to conditions**

PROJECT DESCRIPTION

This item was continued from the February 13th public hearing at the request of the applicant. The applicant investigated the option of a lower density project, but decided to proceed with the plans as originally submitted on December 7, 2007. The applicant proposes to demolish the existing house and accessory buildings and construct three detached townhomes through a Planned Development rezoning. Two covered parking spaces per unit will be provided, plus one open guest/shared parking space.

PRIOR ACTIONS (prior applications, the first for four detached townhomes on this site, and the second for one detached townhome and two attached townhomes, were recommended for approval by the Commission in 2005 and 2006, but denied by the City Council. Copies of those staff reports and minutes are included in the Commissioners' packets for the May 28, 2008 meeting).

12/7/07: Application received
12/17/07: Application deemed complete by Project Clearance Committee
1/9/08: Application continued one month by the Planning Commission without a Hearing, at request of neighbor
2/13/08: Public Hearing opened, application continued up to ninety days at request of applicant

CURRENT USE / ZONING / GENERAL PLAN

Current Use: Vacant Single Family Residence

Current Zoning: R1-6L (Single Family)

General Plan Designation: Moderate Density Residential – density up to 25 dwellings per acre

NEARBY PROPERTIES Land Use and Zoning

North: Apartments, zoned R3-25D

East: Apartments, zoned R3-25D

South: Single Family Residence, zoned R1-6L

Apartments, zoned R3-36D

West: Pomeroy and Single Family Residences, zoned R1-6L

ENVIRONMENTAL DETERMINATION

Categorically exempt per Section 15332 of the CEQA Guidelines.

CONSISTENCY WITH DESIGN GUIDELINES

This project is consistent with the City of Santa Clara's Design Guidelines. Proposed exterior materials include blend concrete roof tiles, stucco walls with flagstone veneer pop-out walls.

STAFF REPORT - May 28, 2008

Public Input: *The notice of public hearing for this item was reposted within 300 feet of the site and was mailed to property owners of record within 300 feet. The following comments have been received as of the date of preparation of this staff report*

- The applicant submitted the attached statement of justification. At the February 13, 2008 Commission Hearing, the applicant also submitted the attached list of "Revisions to the project from the last submittal".
- The applicant also submitted a completed Single Family GreenPoint Checklist, with Total Points Achieved of 161 where a minimum of 50 points is required to become Green Rated (environmentally friendly construction). Completion of the Checklist is consistent with the City Council's Green Building policies adopted December 11, 2007.
- On January 3, 2008, the Planning Department received the attached undated letter of opposition from Eddie and Lavelle Souza.
- A nearby property owner, Hung Le, submitted the attached May 19, 2008 letter of opposition.
- No other comments have been received as of the date of preparation of this staff report.

Considerations: *The following general factors may be considered in evaluating this request. Some of these factors may represent evidence or facts that may directly support or refute the findings necessary to support this request:*

- The site is 12,423 square feet (75'9" wide by 164' deep) or .28 of an acre.
- The density of the proposed development (10 d.u./acre) is consistent with the General Plan Land Use designation of Moderate Density Residential (up to 25 d.u./acre) for this property and for surrounding properties on the east side of Pomeroy. This would support up to 5 units on this site.
- The proposed design consists of one 2-story unit at the front of the property, with the support posts for its front porch located fifteen feet behind the Pomeroy property line, and two 2-story detached units at the rear of the property.
- The front unit, Unit A, totals 2,558 square feet of building area on a 3,780 square foot lot that includes the one uncovered guest parking space. The two units at the rear each total 2,142 square feet, with one on a 2,556 square foot lot (Unit B) and one on a 2,840 square foot lot (Unit C). The front unit will have four bedrooms, three baths, and a 2-car garage. The rear units will have two bedrooms and one-and-a-half baths, and a 2-car garage. The fourth lot consists of the common driveway area and landscaping along the driveway and totals 3,247 square feet.
- The private yard area for Unit A is 728 square feet, for Unit B is 933 square feet, and for Unit C is 1,272 square feet.
- Total building coverage of the site is 3,916 square feet or 32% of the lot size, where total building coverage on a single family-zoned lot is allowed up to a maximum of 40%. Proposed Floor Area Ratio (FAR) is .56.
- Besides the three two-car garages, one open parking space is proposed onsite for guest parking.
- Total height of the front unit is 23 feet 4 inches and the rear units are proposed to be 24 feet 1 inch tall.
- The second floor of the front unit steps back from the first floor elevation on the north end of the street frontage, adjacent to the 2-story apartments. The second floor also steps

back on part of the south side of the front building and on part of the north and east sides of the front unit.

- The site is located next to a two-story apartment complex to the north that "wraps" around the subject property along its northern and eastern property lines. In addition, the back portion of the southern property line of this site is adjacent to the rear of another apartment development that fronts on Calabazas Boulevard.
- The other property that is immediately adjacent to the south, fronts on Pomeroy and is zoned R1-6L and contains a single family residence, as do the next two properties south of that and the properties directly across Pomeroy.
- The single family residence on this property is proposed to be demolished. It is over fifty years old. The Historic Resources Coordinator prepared a Determination of Historical Significance for the property at 1575 Pomeroy. It is staff's conclusion that the structure does not qualify as a significant historical or architectural resource under the City's criterion, and is not a qualified historic resource subject to the California Environmental Quality Act (CEQA). The existing structure can be demolished under a ministerial action, but under City policy can only be removed upon approval of replacement plans.
- The Historical and Landmarks (HLC) reviewed the proposed demolition on July 7, 2005. Although HLC did not designate this structure as a historically significant property, a recommendation was made that a plaque be installed by the developer to recognize the Buttita family's legacy in the City.
- In response to concerns expressed by residents, City Traffic Engineering staff in Fall 2005 analyzed speed, volume and accident information for this section of Pomeroy to determine if there is need for traffic calming measures. The Traffic Engineer determined that the traffic study data indicates no reason to implement traffic-calming measures on this part of Pomeroy.
- The proposed project that adds two housing units does not reach any City, regional or State planning or transportation thresholds or regulations requiring traffic mitigation of any kind. In summary, the proposed project does not generate any traffic impacts in terms of patterns or volumes on Pomeroy or in the vicinity of the neighborhood, or cause traffic or safety issues as determined by the City Traffic Engineer.

Alternatives to the Proposal: *The following alternative measures or possible changes to the project may achieve the project goals to some degree and/or result in a lesser impact than the project proposal, and may be but are not necessarily recommended by staff.*

- Flip the driveway to the north side of the front unit.

FINDINGS REQUIRED TO SUPPORT THE REQUEST

*Findings provide a means to link the available evidence with the decision to approve or deny the application. If this request is favorably considered, the preponderance of evidence should support the following or similar findings to approve the **rezoning** request. The following findings are required in order to approve the application:*

- a) The proposed rezone is required by public necessity or the public convenience of the general welfare of the City (Santa Clara City Code S18.112.110); and
- b) The Project integrates uses that are not permitted to be combined in other zone districts; or
- c) The Project utilizes imaginative planning and design concepts that would be restricted in other zone districts; or
- d) The Project subdivides land or air space in a manner that results in units not having the required frontage on a dedicated public street; or
- e) The Project will result in a community ownership project.

Evidence/Facts Related to the Required Findings: *The following evidence and facts provide a basis for the recommendation/action on this request:*

- The density of development proposed is consistent with the General Plan Land Use designation for this area and with the development to the north and east of this property

- The underlying zone district requested is R3-18D, which is a lower density than that designated by the General Plan. The project, as proposed, is a density of 10 units per acre.
- The design that can be accomplished through the proposed zone change will enhance property values in the area and will promote the orderly and beneficial development of such area.
- The PD zoning allows for innovative design solutions that facilitate ownership housing.
- The proposal will add 2 units to the City's housing stock.
- The currently proposed structures are smaller in size (square footage) and height than the previous development applications.

Findings that the Commission may wish to consider:

- A) The proposed rezone is required by the public convenience of the general welfare of the City because it will increase the amount of housing stock within the city and the project will promote the general welfare of the city because it utilizes Green Building Principles.
- B) The proposed project will result in a community ownership, town-house project.

STAFF RECOMMENDATION – May 28, 2008

Recommend that the Planning Commission make the necessary findings, based upon the evidence articulated above and as may be provided through the public hearing, to **adopt the Resolution to recommend approval of the rezoning request**, subject to conditions.

RECOMMENDED CONDITIONS OF APPROVAL

In the event that this request is favorably considered, it is recommended that the Planning Commission apply the following recommended conditions of approval. In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. All work within the public right-of-way, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Street Opening Permit** issued by the City Engineering Department. Issuance of the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
4. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.
5. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.

6. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
7. Construct driveway in the public right-of-way to City multi-residential driveway standards.
8. Developer is to cause a Parcel Map to be recorded to subdivide the parcel for development.

ELECTRIC

9. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
10. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
11. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
12. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
13. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G6 and MS-G7.
14. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
15. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
16. Any relocation of existing electric facilities shall be at Developer's expense.
17. Electric Load Increase fees may be applicable.
18. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other

equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

19. Electrical improvements (including underground electrical conduits on properties frontage) may be required if any private single improvement valued at \$50,000 or more or any series of private improvements made within a three-year period valued at \$50,000 or more in conjunction with a use, variance, or moving permit. Also may be required if any single private improvement valued at \$80,000 or more or any series of private improvements made within a three-year period valued at \$80,000 or more in conjunction with a building permit (Santa Clara City Code Title 17 Appendix A (Table III)).
20. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please contact Leonard Buttitta at 408-261-5469 after development of site plan, to facilitate plan review.

WATER

21. All on-site water distribution facilities shall be private and shall be maintained by owner. Water needs shall be served by individual meter(s) at the public street right-of-way.
22. All sanitary sewer lateral(s), either proposed or existing, shall be equipped with a clean-out at the property line.
23. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.
24. Existing fire hydrant is in conflict with the proposed driveway. The existing fire hydrant shall be abandoned at developer's expense and then relocated with the adequate clearances to meet Water Department Standards.

FIRE

25. Approved addresses shall be placed on all buildings in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background.
26. If the rear buildings addressing is not clearly visible from the street, then additional addressing shall be provided at the street to identify other buildings are located on this parcel.

Required Fire Protections/ Detection Systems and Equipment:

27. In new construction, provide hard-wired smoke detectors with battery backup in accordance with the 2007 California Building Code, which sounds an audible alarm in all sleeping areas of the dwelling unit in which they are located.
28. Smoke detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

POLICE

29. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.

30. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible. A monument sign, preferably at all dedicated entrances to the property, shall be prominently displayed, showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
31. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.
32. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
33. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).

STREET

34. Submit copy of complete landscape and automatic irrigation plans for review and comment by City staff. Plans are to include all existing trees with 4" or larger diameter (measured 30" above ground) on development property and adjacent property if they may be impacted. Trees are to be correctly labeled with specie name and correctly plotted as to exact location on the plans. Trees are to be noted as to whether they are proposed to be saved or removed. City tree preservation specifications are to be included on all plans where existing trees are to be saved during construction. A copy of these specifications can be obtained from the City Arborist at 408-615-3080.
35. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size (15 gallon minimum) to be determined by City Arborist.
36. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.
37. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).
38. Applicant is advised to contact Street Department to obtain required tree removal permits in the event trees are removed. Please contact John Mendoza at 408-615-3080 to facilitate plan review.
39. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
40. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.

41. Prior to submitting any project for Street Department review, applicant shall provide a site plan showing all existing trees (including size and species), proposed trees (including size and species), existing stormwater drainage facilities, proposed storm water drainage facilities, proposed locations of solid waste containers and, if applicable, a statement on the site plan confirming compliance with Fire Department approved fire apparatus access roads (1998 CFC 902.2.2.1 & 902.2.2.3).
42. All landscaping and irrigation systems shall meet City standard specifications.
43. Application does not provide Street Department with sufficient information regarding existing tree information and/or how trees are to be preserved. Applicant to coordinate with John Mendoza of the Street Department at 408-615-3080 prior to re-submittal.
44. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 15,000 sq. ft. or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
45. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
46. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
47. All proposed storm water treatment vaults shall have a hydrodynamic separator upstream of their installation.
48. All proposed stormwater treatment vaults shall have internal treated distribution plumbing. No external folding racks are permitted.
49. All post construction structural controls shall require property owner to execute with City a Stormwater Treatment Measures Inspection and Maintenance Agreement.
50. Decorative water features such as fountains and ponds shall be designed and constructed to drain to sanitary sewer only. No discharges allowed to storm drain.
51. Special Urban Runoff Stormwater Pollution Prevention requirements apply. Set up meeting with the Street Department to discuss requirements. Contact Roger Lee at 408-615-3080.
52. Application does not provide Street Department with sufficient information to evaluate proposed stormwater pollution prevention improvements. Applicant to coordinate with Roger Lee of the Street Department at 408-615-3080 prior to re-submittal.
53. Applicant to comply with City Development Guidelines for Solid Waste Services as specified by development type.

54. Applicant to comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discards by the project during demolition and construction activities. No building, demolition or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. After completion of project, applicant shall submit a construction and demolition debris recycling report as stipulated by ordinance, or be subject to monetary, civil, and/or criminal penalties.

PLANNING AND INSPECTION

55. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
56. Submit plans to the Planning Division for Architectural Committee review and approval prior to issuance of building permits.
57. Provide 6-foot solid masonry wall along southern property line to a point 15 feet from the front property line along Pomeroy. Step the wall down to 3 feet tall in that front 15-foot area if any wall is proposed there.
58. A 6' solid wood fence shall be provided along eastern and northern property lines wherever needed. Fence along northern property line shall stop at a point 15' from the western property line.
59. Any utility lines running parallel with Pomeroy shall be located under the public sidewalk if not under the street.
60. There shall be common landscape maintenance of the common area along the driveway and of the front yard of lot 1(Unit "A") , as established through a recorded easement or CC&R's.
61. Landscaping along the entry driveway shall be a minimum of five feet wide.
62. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces and treatment of runoff before it enters public facilities.
63. Submit Tentative Parcel Map for Council review. If Tentative Map is approved, record final map and proceed with sale of the townhomes.
64. The guest/shared parking space shall not be used for permanent vehicle storage.
65. Prior to issuance of Occupancy Certificates for the new housing units, install a permanent plaque near the public right-of-way commemorating the cultural and historical significance of the Buttita family.
66. Driveway approach must maintain 3' clearance from utility pole.
67. Trees within ten feet of underground utilities shall be boxed trees with root barriers.

Summary of Discussion – February 13, 2008

Ms. Sciara advised those present that this item had been continued from the January 9, 2008 meeting at a neighbor's request. She then reviewed the project which proposes to demolish the

existing single family residence and construct three detached townhomes. Visuals of the subject property and surrounding neighborhood were shown. Ms. Sciara then reviewed the Green Building Checklist which the applicant had voluntarily agreed upon which could serve as a model for the community.

Response to a question from Mr. Eddie Souza, Ms. Sciara stated Mr. Souza's property address is listed on the mailing labels prepared as part of the notification of hearings related to this property for the January Planning Commission meeting, however as this item had been continued to a date specific noticing was not required. Ms. Sciara noted staff was supporting the request for the three detached townhomes.

In response to a question from Commissioner Marine, staff reviewed the previous approvals and denials on this site.

Kurt Anderson, architect for the project, then requested the opposition speak first. He stated his firm was committed to Green Building and noted it was City Council direction to transition any new buildings with the existing neighborhood, which included reduction in building height, massing and increases to landscaping, which was being proposed with this new project.

In response to a question from Commissioner Fitch, Mr. Anderson replied two units would be difficult to make the project viable and noted that building green increases the cost 10 – 15 percent. Mr. Anderson then reviewed the transition from commercial to apartments to this proposal and the single family residences to the south.

Commissioner Barcells then stated he felt this proposal might be over building the property, but was open to discussion.

Eddie Souza then addressed the Commission. He stated he was the legal owner of the property to the south, at 1525 Pomeroy Avenue and that the notice was not sent to him, but a family member for the January meeting. He then stated the City was responsible for mis-noticing him on many occasions and alleged that no notices had been posted. Mr. Souza then distributed photographs of the area and a letter and petition which dated from 2006.

Paul Ward of Kiely Boulevard then spoke in opposition and noted this project would add two new living units, which means more people and that doesn't mean more green. He requested the property be kept very similar to what is now there.

James Rowen of Camino Drive then addressed the Commission. He noted he had listened to the former public hearing tapes and had surveyed the neighborhood and many were opposed to this proposal. Mr. Rowen then stated his concerns with higher density housing.

Tony Santos of Nicholson Avenue stated his opposition to this request and increased densities in the City.

George Shrader, Don Hogan, John Burdick, Kevin Park and John Schrader then stated they opposed the project. Eric Crutchlow of Woodsborough Condominiums then noted his concerns with density, overpopulation and other safety issues.

Mr. Anderson, project applicant, then requested a continuance for up to 90 days.

The public hearing was closed.

Commissioner Fitch noted his concerns with transitional infill projects and was not in favor of the request. Commissioner Stattenfield stated he was not concerned with the density. Mr. Riley

then noted that the apartments to the north and east of the project site have a density of 25 dwelling units to the acre and this project is for 10 dwelling units to the acre.

Commissioner Marine stated the answer to housing isn't always increased densities. Commissioner Fitch then requested staff to provide previous staff reports and minutes from the Planning Commission and City Council.

Chairperson Champeny stated he had reviewed this project, spoken to Councilmembers and that concessions have been made. He then noted in 2005 four units had been proposed and that the project had been redesigned with three townhomes, additional landscaping and architectural redesigns. The Chair then stated there will still be dissatisfied people no matter what, but was not opposed to a continuance.

Commission Action – February 13, 2008

It was moved by Commissioner Marine, seconded by Commissioner Stattenfield and unanimously carried to **continue this item for up to 90 days, with reposting.**

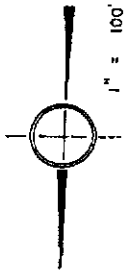
Summary of Discussion – January 9, 2008

This application was continued one month by the Planning Commission without a Hearing, at the request of a neighbor.

Commission Action – January 9, 2008

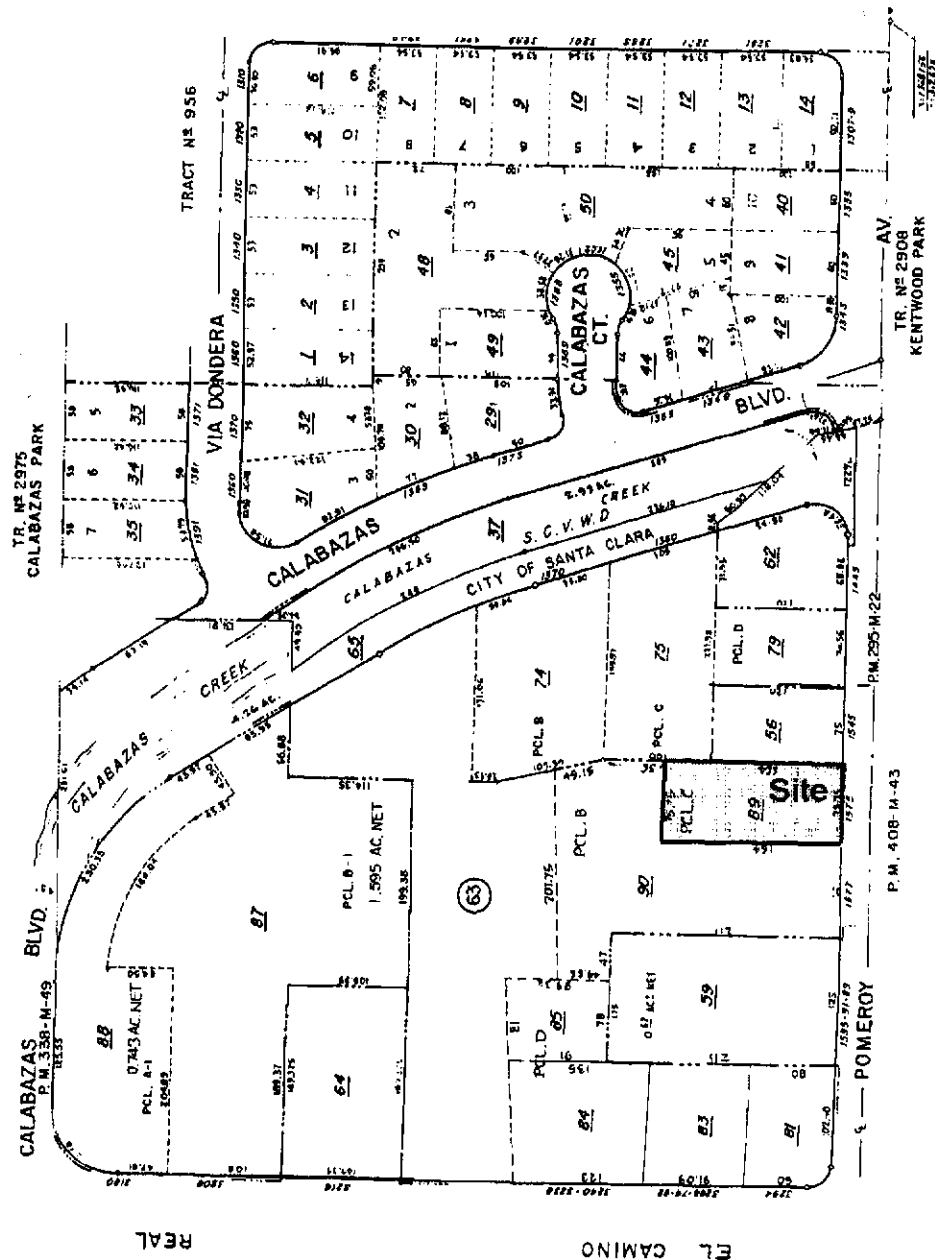
This application was continued one month to the February 13, 2008 meeting by the Planning Commission without a Hearing, at the request of a neighbor.

I:\PLANNING\2008\Project Files Active\PLN2007-06781 1575 Pomeroy Ave\5-28-08 staff rpt.doc



PLN2007-06781

OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA



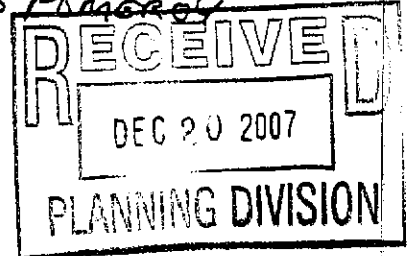
4) Correspondence

PLN 2007-06781

1575 Pomeroy

The Pomeroy 3

"A Build It Green Development Project"



The Pomeroy 3 is a proposed three-unit detached project located on the east side of Pomeroy Avenue, south of el Camino approximately 300'.

The current General Plan designation for the site is Moderate Density Residential (25 DU per acre) and the existing zoning designation is R1-6L. The site is 12,423 SF, which is .285 of an acre which would allow up to 5 units. Our request is for a PD (R3-18d) Planned Development based on Low-Development Multiple-Dwelling Zoning District Standards.

The site is surrounded moderate density apartments to the north and east and single-family residences to the west and south.

The proposed project is for three single-family detached units which is less than the allowed density per the General Plan and would be a perfect transitional project between the higher density to the north and the lower density to the south.

The project has been designed to respect the adjacent properties and to promote a single-family architectural style.

In addition to the single-family detached architectural style, the project is intended to be constructed to meet the Build It Green guidelines, which have been incorporated in the planning documents. A minimum of 50 points is required to become Green Rated and our first analysis on the project results in a point summation of 161 points, well over the minimum requirement of the 50 points.

The project is proposed at this time because it will help meet the housing requirements for the City and it is a "Green" project that incorporates and embraces the direction of the City Council.

Correspondence

Eddie Souza
1525 Pomeroy Avenue
Santa Clara, CA 95051
June 14, 2006

Santa Clara City Council
1500 Warburton Avenue
Santa Clara, CA 95050

*presented at PC
meeting of 2/13/08
Silva*

Re: File: PLN2006-05659
REFERENCE: REZONE from R1 to
PD(R3-18D) at 1575 Pomeroy Ave.

Dear Mayor and Councilmembers,

I am writing this letter in opposition to the demolition of the existing single family dwelling and the change of use to multi-family residential [PD (R3-18D)] at 1575 Pomeroy Avenue.

My family and I are adjacent property owners at 1525 and at 1545 Pomeroy Avenue. We also own commercial property at the corner of Pomeroy Avenue and El Camino Real.

In Mr. Le's letter to the Planning Commission, he addresses many of the problems and concerns of our neighborhood.

I am enclosing a copy of Mrs Le's letter, and I am enclosing a copy of the petition submitted to the city council from the area residents opposing any multi-family dwellings at 1575 Pomeroy Avenue.

I will be at the city Council meeting on June 20 to represent my family's interests and concerns.

Sincerely,

Eddie Souza
Eddie Souza

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

35

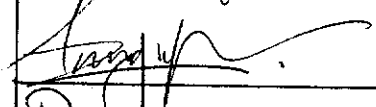

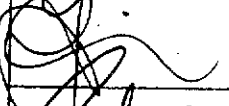
1.	Maria A. Souza	1545 Pomeroy Ave Santa Clara CA 95051 3821
2.	Eddie Souza	1525 Pomeroy Ave S.C
3.	Lowell Souza	1525 Pomeroy Ave
4.	Agnes B. Hickman	1418 Pomeroy Ave
5.		
6.		
7.		
8.		
9.		
10.		

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

1.	Rich Busch	1435 Bersin Pl
2.	JOHN WOODWORTH	1421 BERLIN PL.
3.	Marghaney Lee	1436 Pomeroy Ave
4.		1468 POMEROY AVE
5.	Patricia Anderson	1502 Pomeroy Ave
6.		1445 Pomeroy Ave
7.	Sam Britt	1445 POMEROY AVE.
8.		1445 Pomeroy Ave
9.	Bob McCalley	3281 PL. 550 at 0-
10.	Rebecca Land	3281 Elbert St

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

1.	Robert McColley	3280 El Subarante St. S.C.
2.	Angelina McColley	3280 El Subarante St. S.C.
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

RECEIVED

MAY 21 2008

City of Santa Clara
Planning Division

CITY OF SANTA CLARA
PLANNING COMMISSION

May 19, 2008

File: PLN2007-06781

REFERENCE: REZONE from R1-6L to PD (R3-18D) at 1575 Pomeroy Ave.

Dear Sir/ Madam,

I am Hung Le, home owner of 1436 Pomeroy Ave. writing this letter expressing my disapproval of constructing 1 detached town home and 2 attached town homes at 1575 Pomeroy Ave.

The new town homes will definitely make the traffic, parking, noise and neighborhood safety issues problem worse for the entire blocks between El Camino Real and El Sob ante Avenue on the East side and Granada Avenue on the West side, which have been current non-solution issues caused by the apartment units and businesses nearby. Here are my concerns:

- 1- Traffic & Safety: Unsafe U-turns, in and out of parking lots and driveways,
- 2- Illegal parking by disabled cars from the Auto shop, behind the planned town homes to be built.
- 3- Parking: Blocking partially driveways and sidewalk due to limited parking spaces.
- 4- Churches goers, school children and Retirement Home walkers nearby are not safe due to heavy traffic, illegal parking blocking sidewalk.
- 5- More noises added to current situation.

Sincerely,



1436 Pomeroy Ave.

Ph: 408-296-6656 (H)

5) July 30, 2008 E-Mail and
August 17, 2008 E-Mail, Aug 20 letter
Gloria Sciara - Serious Concerns about 1575 Pomeroy

From: JC Rowen <jcrowensanjoystate@yahoo.com>
To: <mayor&council@ci.santa-clara.ca.us>, <nspeno@aol.com>, <kriley@ci.santa-clara.ca.us>, <capainter@santaclaraca.gov>, <gsciara@ci.santa-clara.ca.us>
Date: 7/30/2008 11:30 AM
Subject: Serious Concerns about 1575 Pomeroy
CC: Helene Leichter <hleichter@ci.santa-clara.ca.us>, <jsparacino@ci.santa-clara.ca.us>, Todd Fitch <todd.fitch@gmail.com>, <attypatty@sbcglobal.net>

I am afraid that I have serious concerns over the matter of staff evaluation of the application submitted over eight months ago with regards to 1575 Pomeroy.

A) I am not concerned at all over the level of cooperation I have received from Mr. Handerson and Ms. Painter, whom have both been very professional and very cooperative. Mr. Riley and a majority of the planning staff have been, as always, wonderfully cooperative and very keen to treat this matter in a very balanced manner.

B) There needs to be a lot of clarification over two key points.

Number one, the "build it green" approach seems to be used by Mr. Anderson and Ms. Sciara as if it is a standard set of guidelines for the City of Santa Clara. Huh? I know of the Architectural Design Guidelines, the Zoning Ordinance, and the General Plan. I believe the term in law is **ultraverias**. In a court of law, a judge will want to know how the Spenos, Mr. Anderson, and the Planning Department are getting to impose a set of standards BEYOND THE SCOPE OF THE LAW.

Two, in a memo dated on May 3, 2005, Ms. Sciara refers to the Souza family as "colorful."

Clarification, please?

Mr. Souza's war record was completely overlooked, why?

Finally, I believe that though I respect Ms. Sciara immensely and am quite fond of her work, the entire matter has not been handled with respect to the interests of the people that live on Pomeroy.

Case in point, Mr. Anderson made the following statement to the planning commission, and I list one of the commissioners to make sure what I am saying is a fair record.

>>>

From: JC Rowen <jcrowensanjoestate@yahoo.com>
To: <mayor&council@ci.santa-clara.ca.us>
CC: <kriley@ci.santa-clara.ca.us>
Date: 8/17/2008 10:06 AM
Subject: 1575 Pomeroy Avenue, Note of Objection, request for email to be included in report (-----Ms. Painter and Mr. Riley)

Mayor and Council

As a long time resident of the community, I want to record my objection to the proposed rezoning and planned development of 1575 Pomeroy Avenue.

There are four key points I want to offer in consideration.

A) The Planning Commission voted 6-0 to recommend denial of this proposal. The City Council has rejected six separate motions to approve this requests and/or to reconsider the denials. Rezoning is matter of council policy, and the Council continues to deny changing the zoning.

B) On two occasions, though the applicant's representative has denied this, the record shows extensive Council discussion wanting a proposal of no more than 2 homes on this site. The applicant refuses to take council input on this matter.

C) Mayor Mahan is quite correct and insightful when she talks about the need for this community to accept the transition from suburban to urban development. However, in such transitions, such as in the case of the Holiday Inn Express rezoning, the decision was to allow ONE home as a transition from commercial, high density to the neighborhood of single family residential/

D) In a rezoning, the views of the residents become key. Council Member Kennedy has cited residential concerns as key in reviewing such projects. Over fifty residents have indicated their opposition. The applicants refuse to meet with the residents, and have even, through the arrogant views of Mr. Anderson, a Saratoga based architect who knows that this project would be one he would oppose in his own neighborhood, has gone out of his way to insult the residents of Pomeroy by saying "all these people have junk in their garages and so they all park on the street," (direct quote from the Planning Commission), which shows his views on working with the community.

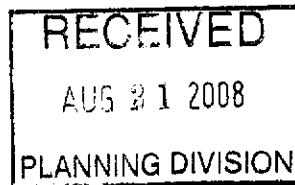
The matter should be rejected as it an example of a badly designed and a draft of poor architectural drawing dressed up with a checklist that is not part of Council policy. A silk purse from a sow's ear is definitely where Meesrs Speno and Mr. Anderson want to go.

Thank you for your information and consideration.

James Rowen

RE: PLN2007-06781
1575 POMEROY AVE.

CITY OF SANTA CLARA
CITY COUNCIL
PLANNING COMMISSION



August 20, 2008

File: PLN2007-06781

REFERENCE: REZONE from R1-6L to PD (R3-18D) at 1575 Pomeroy Ave.

Dear Sir/ Madam,

Upon receiving notice of public hearing on demolishing the existing property at 1575 Pomeroy Avenue to construct three detached townhomes, I am Hung Le, home owner at 1436 Pomeroy Ave. writing this letter expressing my disapproval of constructing 3 detached townhomes above.

The new town- home units will definitely make the traffic, parking, noise and neighborhood safety issues problem worse for the entire blocks between El Camino Real and El Sobrante Avenue on the East side, Granada Avenue on the West side and businesses around the corner of El Camino Real and Pomeroy Avenue, which have been current non-solution issues caused by the apartment units and businesses nearby. Here are my concerns and my neighbors as well:

- 1- Traffic & Safety: unsafe U-turns, in and out of parking lots and driveways onto the narrow street, one lane each direction.
- 2- Automobile and motor bike speeding are normal threats to pedestrians.
- 3- Failure to stop at the " stop sign " Granada Avenue & Pomeroy Avenue is likely to cause fatal car accidents due to narrow street, which happened to my wife in 2002.
- 4- Illegal parking by disabled cars from the Auto shop, behind the townhomes planned to be built.
- 5- Parking: Blocking partially driveways and sidewalk due to limited parking spaces.
- 6- Church goers, school children and Retirement Home walkers nearby are not safe due to heavy traffic, illegal parking blocking sidewalk.
- 7- More noises added to current situation.
- 8- Neighborhood safety: new residents and their properties will draw more attention to transients and the suspicious people, who're usually gathering daily at the See's Candy and the grocery's stores at the corner of El Camino Real and Pomeroy Avenue.

Sincerely,

1436 Pomeroy Avenue Santa Clara.
Ph: 408-296-6656 (H)

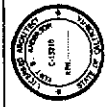
HUNG LE

PLN 2507-016781

[illegible]

NEW SITE PLAN

Site plan of a three-unit residential development. The plan shows three lots: Lot 1 (Unit 'A'), Lot 2 (Unit 'B'), and Lot 3 (Unit 'C'). Lot 1 is a large rectangular building with a 'MAIN ENTRANCE' indicated by an arrow. Lot 2 and Lot 3 are smaller rectangular buildings. A 'LOT 4 DRIVEWAY' is located between Lot 1 and Lot 3. The plan includes dimensions for lot areas and setbacks, as well as landscaping details like trees and shrubs. A 'POWER ROY AVENUE' is shown at the bottom, and a 'REAR PROPERTY LINE' is indicated on the right side.



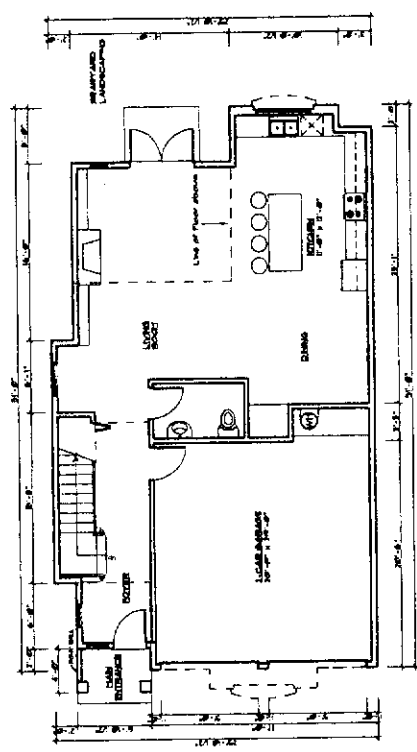
City Services	
No.	Description
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

Client Revision	
No.	Description
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

UNIT 'B' & 'C'
FLOOR PLANS

A2.2

PN 2007-06781



PREVIOUS FLOOR PLANS
3/10" = 1'-0"

First Floor (each unit)
LIVING 927.05 Sq. Ft.
GARAGE 433.75 Sq. Ft.

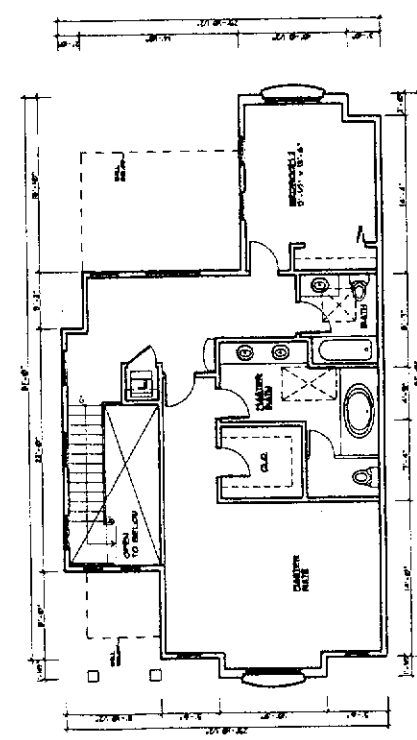
FIRST FLOOR PLAN
UNIT B (UNIT C SIMILAR)

REDUCTION IN AREA:

FIRST FLR. = 2721.68 S.F. - 2461.2 S.F.
= 260.48 S.F.
SECOND FLR. = 2368.76 S.F. - 1620.8 S.F.
= 547.96 S.F.

NEW FLOOR PLAN AREA:

2 UNITS B & C 6'-0" APART WITH
TOTAL AREA AS FOLLOWS:
FIRST FLR. = 1230.6 X 2 = 2461.2 S.F.
SECOND FLR. = 910.4 X 2 = 1820.8 S.F.

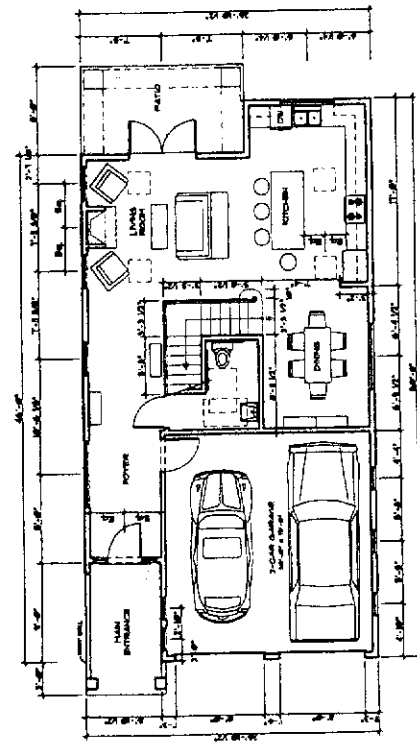


Second Floor (each unit)
LIVING 1,043.75 Sq. Ft.
STAIR 140.63 Sq. Ft.

SECOND FLOOR PLAN
UNIT B (UNIT C SIMILAR)

PREVIOUS FLOOR PLAN AREA:

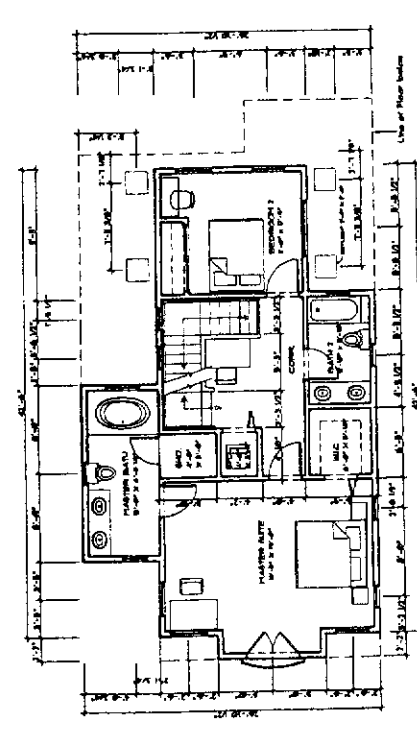
2 UNITS B & C SIDE TO SIDE WITH
TOTAL AREA AS FOLLOWS:
FIRST FLR. = 1360.84 X 2 = 2721.68 S.F.
SECOND FLR. = 1184.38 X 2 = 2368.76 S.F.



NEW FLOOR PLANS
3/10" = 1'-0"

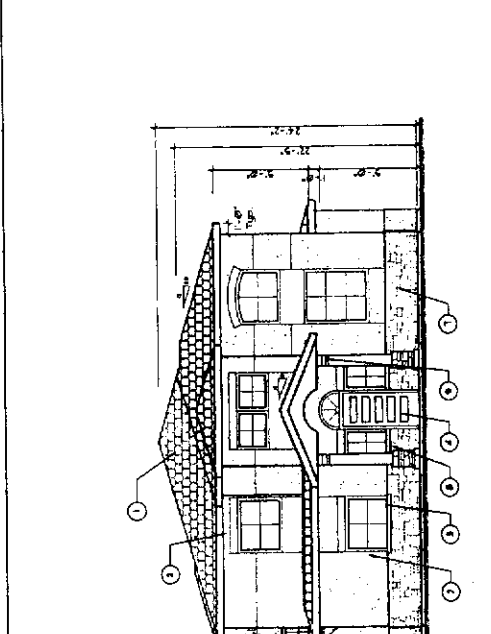
Now: First Floor (each unit)
LIVING 819.8 Sq. Ft.
GARAGE 410.8 Sq. Ft.

FIRST FLOOR PLAN
UNIT B (UNIT C SIMILAR)



Now: Second Floor (each unit)
LIVING 841.6 Sq. Ft.
STAIR 66.8 Sq. Ft.

SECOND FLOOR PLAN
UNIT B (UNIT C SIMILAR)



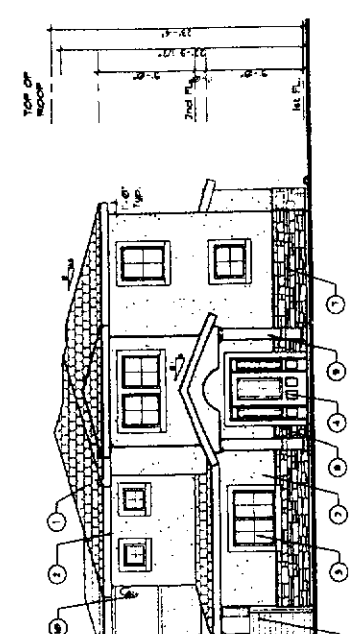
REAR ELEVATION

PREVIOUS ELEVATIONS
3/16" = 1'-0"

FRONT ELEVATION
HT. TO THE TOP OF THE ROOF: 24'-2"

NEW ELEVATION
HT. TO THE TOP OF THE ROOF: 23'-4"

REDUCTION IN HT.: 10"

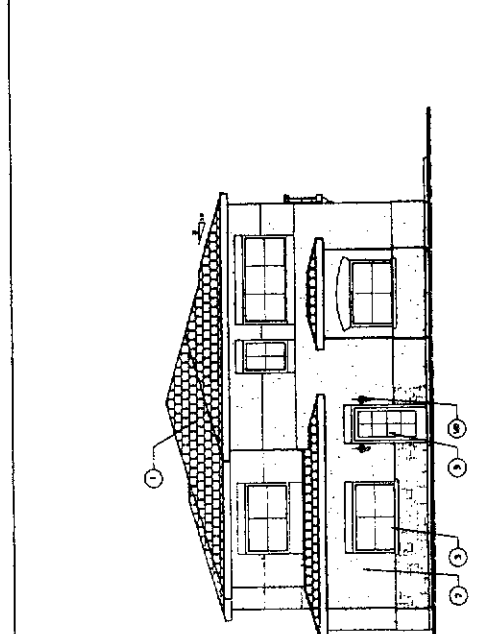


FRONT ELEVATION

PREVIOUS ELEVATIONS
3/16" = 1'-0"

REAR ELEVATION
HT. TO THE TOP OF THE ROOF: 24'-2"

NEW ELEVATIONS
3/16" = 1'-0"



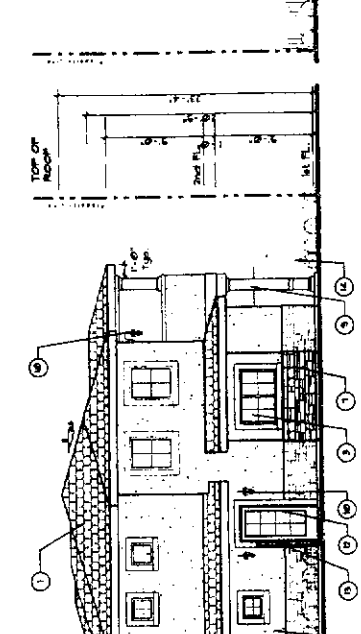
REAR ELEVATION

PREVIOUS ELEVATIONS
3/16" = 1'-0"

FRONT ELEVATION
HT. TO THE TOP OF THE ROOF: 24'-2"

NEW ELEVATION
HT. TO THE TOP OF THE ROOF: 23'-4"

REDUCTION IN HT.: 10"



FRONT ELEVATION

PREVIOUS ELEVATIONS
3/16" = 1'-0"

REAR ELEVATION
HT. TO THE TOP OF THE ROOF: 24'-2"

NEW ELEVATIONS
3/16" = 1'-0"

- ELEVATION NOTES
1. BLIND CONCRETE ROOF TILE
 2. STUCCO WALL W/ SMOOTH FINISH EXTERIOR
 3. VINYL WINDOW & DOOR FRAME
 4. 3/4" DIVIDED LIGHTS
 5. ENTRY DOOR WITH PANELS
 6. SECTIONAL GARAGE DOOR
 7. UNPAINTED IRON RAILCANY - CURVED
 8. PLASTER VENEER POP-OUT WALL
 9. STUCCO COVERED POPEY TRUSS
 10. DECORATIVE WOOD CORBELS
 11. DECORATIVE METAL LIGHT FIXTURE
 12. STEEL ADDRESS LETTER CUT OUTS
 13. PLASTER ARCH
 14. REVEL LINES

- ELEVATION NOTES
1. BLIND CONCRETE ROOF TILE
 2. STUCCO WALL W/ SMOOTH FINISH EXTERIOR
 3. VINYL WINDOW & DOOR FRAME
 4. 3/4" DIVIDED LIGHTS
 5. ENTRY DOOR WITH PANELS
 6. SECTIONAL GARAGE DOOR
 7. UNPAINTED IRON RAILCANY - CURVED
 8. PLASTER VENEER POP-OUT WALL
 9. STUCCO COVERED POPEY TRUSS
 10. DECORATIVE WOOD CORBELS
 11. DECORATIVE METAL LIGHT FIXTURE
 12. STEEL ADDRESS LETTER CUT OUTS
 13. PLASTER ARCH
 14. REVEL LINES

PLAN 2007-06781

[illegible][illegible]

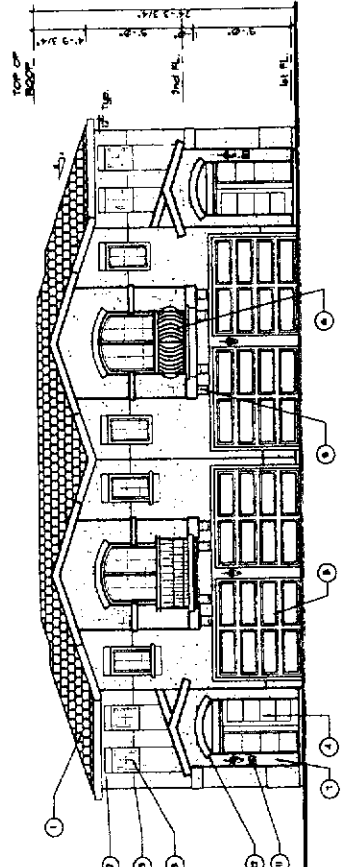
Date	Globe
Birth,	M _f = " "
Died by	RK
Cause of Dy.	KRA
Other Ydr-	

UNIT 'B&C'
EXTERIOR
ELEVATIONS

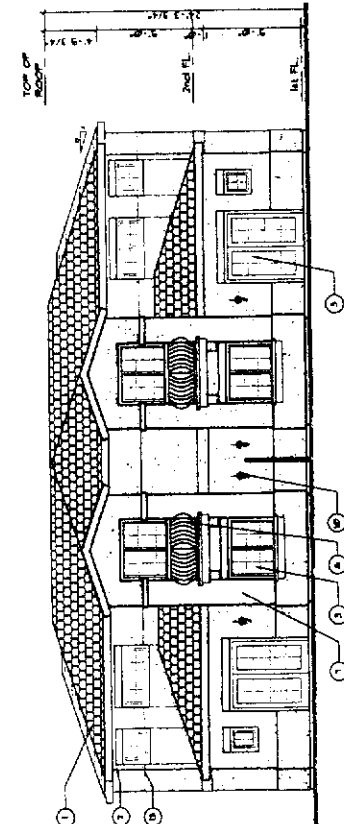
A3.2

主 任 王 德 林
 副 主 任 王 德 林

PLA2007-06781



FRONT ELEVATION - UNIT B & C



REAR ELEVATION - UNIT C & B

PREVIOUS ELEVATIONS

3/16" = 1' - 0"

SEPARATION OF THE UNITS REDUCES THE HUGE MASS OF THE PREVIOUS BUILDING.

PREVIOUS ELEVATION:

HT. TO THE TOP OF THE ROOF: 24'-3 3/4"

NEW ELEVATION:

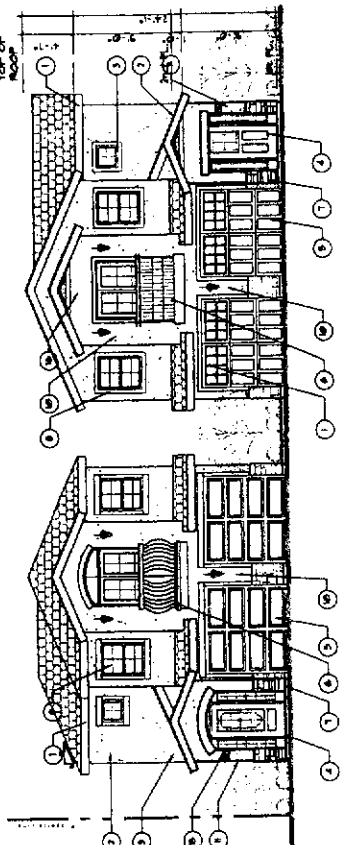
41. TO THE TOP OF THE ROOF: 24'-1"

REDUCTION IN HT: 2-3/4"

REDUCTION IN HT: 2-3/4"



REAR ELEVATION - UNIT C & B



FRONT ELEVATION -UNIT B & C

NEW ELEVATIONS

318" = 1'-0"

- ELEVATION NOTES - OLD
- BURNED CONCRETE ROOF TILE
 - STUCCO WALL W/ SMOOTH
 - PAINT & COLOR
 - DOOR FRAME
 - W/ DIVIDED LEAF
 - ENTRY DOOR WITH PANELS
 - SECTIONAL GARAGE DOOR
 - WOODEN PORCH BALCONY - CURVED
 - PLASTER VENEER PORT CUT WALL
 - STUCCO COVERED ROOF TRUSS
 - DECORATIVE WOOD CORNISE
 - DECORATIVE INITIAL LIGHT FIXTURE
 - STEEL ADDRESS LETTER CUT OUTS
 - SAVING ARCH
 - REVAL LINE

- ELEVATION NOTES: NEW
1. REINFC CONCRETE ROOF T.E.
2. STUCCO WALL W/ALUMINUM
FINISH & COLOR.
3. UNIL. WINDOW W/ DIVIDED LITES.
4. ENTRY DOOR WITH SIDE LITES.
5. RECTIONAL GARAGE DOOR
W/OUTLIGHT FROM HALLWAY.
6. FLOORING VINYL FLOOR PUT WALL
STUCCO COVERED POIN TIRAS
7. 2" X 2" X 8" SINK UNIT.
8. ORNAMENTAL METAL LIGHT FIXTURE.
9. STEEL ALUMINUM LETTER CUT OUTS
10. GLASS DOOR W/ DIVIDED LITES
11. NEW 6" PIPE IN SECTION
12. 6" HIGH FENCE
13. RAMPWAY ARCH.
14. TRIANGULAR DABLE VENT

MOTION was made by Matthews, seconded and unanimously carried, that the Council note and file the Minutes of the Parks and Recreation Commission for the meeting of May 16, 2006.

PUBLIC HEARING: The Mayor declared the hearing open for consideration of the Planning Commission recommendation for approval of the rezoning from Single Family Residential (R1-6L) to Planned Development R3-18D to demolish an existing residence and construct one detached townhome and two attached townhomes at 1575 Pomeroy Avenue (Kurt Anderson, Anderson Architects/ERN LLC - PLN2006-05657 and PLN2006-05659). The Council noted two letters (6/14/06) submitted by Hung Le and Eddie Souza in opposition to the rezoning. The Director of Planning and Inspection reviewed his memo (5/11/06) and gave an electronic presentation regarding the project. Mr. Anderson addressed the Council regarding the project. Eddie Souza and Agnes Hickman addressed the Council in opposition to the project. There being no further public input, MOTION was made by Matthews, seconded and unanimously carried, that the hearing be closed. A Council discussion followed and the Director of Planning and Inspection answered Council questions. MOTION was then made by Matthews, seconded and carried with Kolstad and McLeod dissenting, that the Council overrule the Planning Commission and deny the rezoning.

The Council proceeded to consider the Written Petition (5/8/06) submitted by Taraneh Roosta requesting the removal of the City sycamore tree on her property at 281 Woodhams Road and the Director of Streets and Automotive Services' memo (6/13/06) recommending that the Council find that the tree is healthy, well established and not in need of removal. Ms. Roosta addressed the Council regarding her request. A Council discussion followed and Ms. Roosta answered Council questions. The City Manager and the Director of Streets and Automotive Services answered Council questions. MOTION was made by Caserta, seconded and carried with Matthews and McLeod dissenting, that the Council approve the removal of the tree pending consideration of financial issues by the City Manager.

RE: 1575 POMEROY

The Council proceeded to consider the recommendations contained in the Minutes of the Subdivision Committee for the meeting of April 17, 2006, regarding the request submitted by Kurt Anderson, Anderson Architects/ERN LLC for approval of a Tentative Parcel Map to subdivide an existing lot into three for-sale lots plus common driveway area for the construction of one detached townhome and two attached townhomes at 1575 Pomeroy Avenue (PLN2006-05657). MOTION was made by Matthews, seconded and carried with Kolstad and McLeod dissenting, that the Council deny the request for the Tentative Parcel Map. MOTION was then made by Matthews, seconded and unanimously carried, that the Council note and file the Minutes.

MOTION was made by Caserta, seconded and unanimously carried, that the Council approve the payment of Bills and Claims and Progress Payments as submitted.

Mayor Mahan announced the "Swing Time in the Square" Street Dance rescheduled for July 14, 2006.

Council Member McLeod announced Refugee Awareness Day at the Mexican Heritage Plaza in San Jose on June 23, 2006.

Council Member Moore complimented staff on the ongoing Soccer Park Clubhouse Building project.

The Council discussed the City Attorney's memo (6/16/06) requesting a Closed Session on July 11, 2006 pursuant to Government Code Section 54957(b)(1) regarding the evaluation of the performance of a public employee - City Attorney. [The Council took no action.]

MOTION was made by Caserta, seconded and unanimously carried, that the Council set June 27, 2006 at 6:00 p.m. for a Closed Session in Council Conference Room.

KE: 1575 POMEROY

The Council proceeded to consider Item 9 of the Minutes of the Planning Commission for the meeting of October 12, 2005 regarding the request submitted by ERN, LLC / Kurt Anderson, Anderson Architects for rezone from Single Family (R1-6L) to Planned Development - Single Family Attached [PD (R3-18D)] to remove an existing residence and construct four detached townhomes at 1575 Pomeroy Avenue (PLN2005-04965). The Mayor introduced the item. The City Manager referred to letters (10/17/05) submitted by Hung Le and Marie Antoninette Souza in opposition to the project. The Director of Planning and Inspection reviewed his memo (10/13/05) regarding the project and gave an electronic presentation regarding the project. A Council discussion followed and the Director of Planning and Inspection answered Council questions. Architect Kurt Anderson addressed the Council on behalf of his clients, Ernest, Nicholas and Ronald Speno. A Council discussion followed. The following citizens addressed the Council in opposition to the project: Eddie Souza, James Brick and Agnes Hickman. A Council discussion followed. MOTION was made by Caserta, seconded and carried with Kolstad dissenting (Matthews absent), that the Council overturn the Planning Commission action and deny the rezoning. The above-referenced Minutes of the Planning Commission for the meeting of October 12, 2005, including the Study Session on Eminent Domain and the Kelo v. City of New London Eminent Domain case, were then duly noted and filed.

Under Public Presentations, Eddie Souza addressed the Council and expressed a commitment to remain a Santa Clara resident.

MOTION was made by Caserta, seconded and unanimously carried (Matthews absent), that, per the Director of Human Resources (10/18/05), the Council approve the adoption and execution by the City Council and City Manager of the Employer Negotiations Principles for distribution to the employee organizations that are currently negotiating with the City for a successor Memoranda of Understanding.

MOTION was made by Caserta, seconded and unanimously carried (Matthews absent), that the Council approve the payment of Bills and Claims and Progress Payments as submitted.

Council Member Moore reported on the recent Santa Clara High School Homecoming Parade.

addition on a 7500 square foot lot was too great, and he stated that he felt that there would be a strong potential for cars to be parked on the street, which would not be a benefit or asset to the community. Commissioner Kornder indicated that Mr. Mulqueen's concerns are related more to reducing parking on the street than his objection to this proposal.

The public hearing was closed.

Commission Action – May 10, 2006

It was moved by Commissioner Hardy, seconded by Commissioner Kornder and unanimously carried (Commissioner Barcells excused, Commissioner Marine abstaining) that the Planning Commission find that based upon the staff report and the public testimony, this project is in accordance with the City's Zoning Ordinance, complies with the Secretary of Interior's Standards for historic properties, is in keeping with the safety, peace, health, comfort, and morals of persons working or residing in the vicinity and will allow the property owner necessary convenience and further enjoyment of their property and therefore **approve** this request for variance, subject to conditions.

Ms. Sciara noted this action was final unless appealed by anyone with seven (7) days or by the Council who will review these minutes at their meeting of May 23, 2006.

REZONING/MAPS

9. File: **PLN2006-05659**
Location: 1575 Pomeroy Avenue, a 12,423 square foot lot, located on the eastside of Pomeroy Avenue approximately 350 feet south of El Camino Real (APN 290-03-089). Property is zoned RI-6L (Single Family Residential).
Applicant: Kurt Anderson, Anderson Architects
Owner: ERN LLC
Request: **Rezone** from RI-6L (Single Family Residential) to PD[R3-18D] (Planned Development/R3-18D) to demolish an existing residence and construct of one detached townhome and two attached townhomes.
Project Planner: Douglas Handerson

Summary of Discussion – May 10, 2006

Commissioner Champeny disclosed he had had a conversation with Eddie Souza prior to the meeting. Miss Sciara presented the project and stated this is a new application and the proposal is for three units, one at the front, two at the back, and all sharing a common driveway. She noted that staff has worked with the applicant and that staff supports the second application, noting the applicant has complied with suggestions made by City Council when the first application was denied to reduce the density. Responding to a question from Commissioner Champeny regarding the implications of traffic problems/ accidents in this vicinity, Miss Sciara noted the previous proposal had had the same questions and the matter was addressed by the City's Traffic Engineer. She indicated that the overall effect of this proposal is a minor increase of 30 vehicle trips per day and would not impact other traffic problems.

The public hearing was opened.

Kurt Anderson, architect for this project, stated that significant changes had been made and that setbacks had been increased. In response to Commissioner Champeny's question he clarified that when the prior application had been presented to the City Council there had been no discussion of only having two units. He noted there is now enhanced architecture, an increase in the size of the garages, and because there had been little or no traffic impact with

four units from the previous proposal, there would be even less with three units. Mr. Anderson noted that he had read the conditions of approval and agrees to them.

Eddie Souza spoke noting this house was his grandfather's old house, noting a petition that had been signed by a majority of the neighbors in the area between Granada and El Camino Real, stating that nothing should be done to this property except to rebuild the house and that there are existing traffic problems. Ms. Souza noted this project is too much for this spot and emphasized that Council had indicated that they did not want this area rezoned. Mr. Souza clarified that duplex zoning is not suitable, and that his preference is for one or two single family homes. It was also noted that there is no plan line to widen Pomeroy.

Agnes Hickman, neighbor at 1418 Pomeroy, spoke pointing traffic issues/accidents, and that parking on the street is a problem. She expressed her concern about senior citizens at the retirement home across the street and suggested a redesign from two stories to one story.

Mr. Anderson stated that there will be no traffic backing out onto Pomeroy from this property and he commented that City staff has yet to see an application from the neighborhood for permit parking on the street.

The public hearing was closed.

Commissioner Hardy noted that this proposal is a good buffer between single family and multi-family, it has a lower density than the previously denied application, the architectural element is well done, and that it is a good fit at this point. Commissioner Champeny stated that this project has been around for over one year and that it may not be possible to completely satisfy everyone involved.

Commission Recommendation – May 10, 2006

It was moved by Commissioner Hardy, seconded by Commissioner Marine and unanimously carried (Commissioner Barcells excused) that based upon the staff report and public testimony the Planning Commission finds that this proposal complies with the City's Zoning Ordinance and will not materially affect the peace, comfort, morals, or safety of persons residing or working in the area and therefore **recommends approval** of this request for rezoning, subject to conditions.

Miss Sciara stated this is a recommendation to City Council who will review this project at their meeting of May 23rd, 2006. (Note: This item will be heard on June 6, 2006 due to motion requirements)

RECOMMENDED CONDITIONS OF APPROVAL

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. Damaged curb, gutter and sidewalk within the public right-of-way along property's frontage (to the nearest score mark) shall be repaired or replaced in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.

Applicant:
Owner:
Request:

southside of Space Park Drive at Raymond Avenue in an
ML (Light Industrial) Zoning District (APN 224-08-147)
WRMS Engineering, Inc.
Digital Reality Trust
Variance to reduce minimum on-site parking requirement
from 225 to 145 spaces to allow expansion of an existing
industrial building used as a data center

CONTINUED HEARINGS

9. File: **PLN2005-04965 (Continued from PC 9/14/05)**
1575 Pomeroy Avenue, a 12, 423 foot lot, located on the east side
of Pomeroy Avenue approximately 350 feet south of El Camino
Real in an existing R1-6L (Single Family) Zoned District (APN 290-
03-089)
- Applicant: Kurt Anderson, Anderson Architects
Owner: ERN, LLC
Request: **Rezone** from R1-6L (Single Family) to PD (R3-18D)
Planned Development – Single Family Attached) to remove an
existing residence and construct 4 detached townhomes
- Project Planner: Douglas Handerson, Associate Planner
Staff Recommendation: Approve, subject to conditions

Summary of Discussion – October 12, 2005

Commissioner Sarodi disclosed that Mr. Eddie Souza delivered a packet to his residence but did not review the contents, and gave the packet to City staff prior to the meeting. All Commissioners confirmed that they had also received the packet from Mr. Souza.

Commissioner Marine recused himself from this item.

Ms. Sciara reviewed the applicant's request, and reminded the Commission that this item was continued at the Planning Commission meetings of June 8, 2005 and September 14, 2005. She also explained that a memo from the City's Traffic Engineer concluded that this project would not have a significant traffic impact and that the project was exempt from the California Environmental Quality Act (CEQA).

Applicant Kurt Anderson was present and urged the Commission to move forward with a recommendation if no new information is presented. Mr. Anderson added that the City's Traffic Engineer identified potential solutions to the existing traffic and parking problem.

Eddie Souza of 1525 Pomeroy Avenue expressed opposition to the project citing traffic concerns, incompatible density, and incremental development.

Kurt Anderson stated in his rebuttal that Mr. Souza's concerns did not address the merit of the project, and that the project is consistent with the General Plan designation and the City's long-term housing goals.

Commissioner Champeny questioned Mr. Souza on the relationship between his concerns and the project.

Mr. Souza stated that many issues make this a bad project.

Property owner Nick Speno addressed the Commission and stated that the existing property is deteriorated and the project that is esthetically pleasing and consistent with surrounding properties.

Commissioner Barcells expressed opposition to the project, citing traffic, lack of consistency with the existing neighborhood, and neighborhood opposition.

Commissioner Braga also opposed the project and urged preserving the existing structure as part of the development.

Commissioners Hardy and Kornder stated that they supported the proposal, as the project would be consistent with the General Plan designation and would not add to the current traffic and parking conditions in this neighborhood.

Chairperson Sarodi stated that the City has approved projects like this in the past, and that the applicants should be treated equally and have gone through an extended process to address.

Commission Recommendation – October 12, 2005

It was moved by Commissioner Hardy, seconded by Commissioner Kornder and carried, with Commissioners Braga and Barcells in opposition, that the Planning Commission make the necessary findings, based upon the staff report and the public hearing to **recommend City Council approval of the Rezoning request** from R1-6L (Single Family) to PD (R3-18D) Planned Development – Single Family Attached) to remove an existing residence and construct 4 detached townhomes for the property located at 1575 Pomeroy Avenue, subject to conditions.

Ms. Sciara advised those present that the Rezoning request is a recommendations to City Council, who will review this item at a later date.

RECOMMENDED CONDITIONS OF APPROVAL

In the event that this request is favorably considered, it is recommended that the Planning Commission and City Council apply the following recommended conditions of approval. In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. Developer is to cause a Final Map to be recorded to subdivide the parcel for development.
4. Damaged curb, gutter and sidewalk within the public right-of-way along property's frontage (to the nearest score mark) shall be repaired or replaced in a manner acceptable to the City Engineer or his designee. The extents of said repair or



9) Planning Commission Staff Report – May 10, 2006

Agenda Item # 9

File: **PLN2006-05659**
Location: 1575 Pomeroy Avenue, a 12,423 sq. ft. lot, located on the east side of Pomeroy Avenue approximately 350 ft. south of El Camino Real (APN 290-03-089) Property is zoned R1-6L (Single Family Residential)
Applicant: Kurt Anderson, Anderson Architects
Owner: ERN, LLC
Request: **Rezone** from R1-6L (Single Family Residential) to PD[R3-18D] (Planned Development/R3-18D) to demolish an existing residence and construct one detached townhome and two attached townhomes

Project Planner: Douglas Handerson, AICP, Associate Planner

Staff Recommendation: **Recommend Approval, subject to conditions**

PROJECT DESCRIPTION

The applicant proposes to demolish the existing house and accessory buildings and construct one detached townhome and two attached townhomes through a Planned Development rezoning. Two covered parking spaces per unit will be provided, plus one open guest/shared parking space.

PRIOR ACTIONS (a prior application for four detached townhomes on this site was recommended for approval by the Commission in 2005 but denied by the City Council. Copies of those staff reports and minutes are included in the Commissioners' packets).

3/16/06: Application received

4/17/06: Application deemed complete by Project Clearance Committee

CURRENT USE / ZONING / GENERAL PLAN

Current Use: Vacant Single Family Residence

Current Zoning: R1-6L (Single Family)

General Plan Designation: Moderate Density Residential – density up to 25 dwellings per acre

NEARBY PROPERTIES Land Use and Zoning

North: Apartments, zoned R3-25D

East: Apartments, zoned R3-25D

South: Single Family Residence, zoned R1-6L

Apartments, zoned R3-36D

West: Pomeroy and Single Family Residences, zoned R1-6L

ENVIRONMENTAL DETERMINATION

Categorically exempt per Section 15332 of the CEQA Guidelines.

CONSISTENCY WITH DESIGN GUIDELINES

This project is consistent with the City of Santa Clara's Design Guidelines. Proposed exterior materials include blend concrete roof tiles, stucco walls with flagstone veneer pop-out walls.

STAFF REPORT - May 10, 2006

Public Input: *The notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet. The following comments have been received as*

of the preparation of this report:

- The applicant submitted the following statement of justification: "The general plan indicates High Density and this application is for re-zoning a parcel to support three (3) units on a parcel which would allow 12 units under the current general plan."
- No other comments have been received as of the date of preparation of this staff report.

Considerations: *The following general factors may be considered in evaluating this request. Some of these factors may represent evidence or facts that may directly support or refute the findings necessary to support this request:*

- The site is 12,423 square feet (75'9" wide by 164' deep) or .28 of an acre.
- The density of the proposed development (11 d.u./acre) is consistent with the General Plan Land Use designation of Moderate Density Residential (up to 25 d.u./acre) for this property and for surrounding properties on the east side of Pomeroy This would support up to 7 units on this site.
- The proposed design consists of one 2-story unit at the front of the property, with the support posts for its front porch located fifteen feet behind the Pomeroy property line, and two 2-story attached units at the rear of the property.
- The front unit, Unit A, totals 2,770 square feet of building area on a 3,763 square foot lot. The two units at the rear each total 2,928 square feet, with one on a 2,547 square foot lot (Unit B) and one on a 2,831 square foot lot (Unit C). The front unit will have four bedrooms, three baths, a family room, and a 2-car garage. The rear units will have three bedrooms and two-and-a-half baths, and a 2-car garage. The fourth lot consists of the common driveway area and totals 3,383 square feet.
- Total building coverage of the site is 4,379 square feet or 35% of the lot size, where total building coverage on a single family-zoned lot is allowed up to a maximum of 40%. Proposed Floor Area Ratio (FAR) is .69.
- Besides the three two-car garages, one open parking space is proposed onsite for guest parking.
- Total height of the front unit is 26 feet 4 inches and the rear units are proposed to be 28 feet 9 inches tall.
- The second floor of the front unit steps back from the first floor elevation, two feet on the north end of the street frontage, adjacent to the 2-story apartments.
- The site is located next to a two-story apartment complex to the north that "wraps" around the subject property along its northern and eastern property lines. In addition, the back portion of the southern property line of this site is adjacent to the rear of another apartment development that fronts on Calabazas Boulevard.
- The other property that is immediately adjacent to the south, fronts on Pomeroy and is zoned R1-6L and contains a single family residence, as do the next two properties south of that and the properties directly across Pomeroy.
- The single family residence on this property is proposed to be demolished. It is over fifty years old. The Historic Resources Coordinator prepared a Determination of Historical Significance for the property at 1575 Pomeroy. It is staff's conclusion that the structure does not qualify as a significant historical or architectural resource under the City's criterion, and is not a qualified historic resource subject to the California Environmental Quality Act (CEQA). The existing structure can be demolished under a ministerial action, but under City policy can only be removed upon approval of replacement plans.
- The Historical and Landmarks (HLC) reviewed the proposed demolition on July 7, 2005. Although HLC did not designate this structure as a historically significant property, a recommendation was made that a plaque be installed by the developer to recognize the Buttita family's legacy in the City.
- In response to concerns expressed by residents, City Traffic Engineering staff in Fall 2005 analyzed speed, volume and accident information for this section of Pomeroy to determine if there is need for traffic calming measures. The Traffic Engineer determined

568 area
8,624
70 FAR

that the traffic study data indicates no reason to implement traffic-calming measures on this part of Pomeroy.

- The proposed project that adds two housing units does not reach any City, regional or State planning or transportation thresholds or regulations requiring traffic mitigation of any kind. In summary, the proposed project does not generate any traffic impacts in terms of patterns or volumes on Pomeroy or in the vicinity of the neighborhood, or cause traffic or safety issues as determined by the City Traffic Engineer.

Alternatives to the Proposal: *The following alternative measures or possible changes to the project may achieve the project goals to some degree and/or result in a lesser impact than the project proposal, and may be but are not necessarily recommended by staff.*

- Flip the driveway to the north side of the front unit.

FINDINGS REQUIRED TO SUPPORT THE REQUEST

*Findings provide a means to link the available evidence with the decision to approve or deny the application. If this request is favorably considered, the preponderance of evidence should support the following or similar findings to approve the **rezoning** request. The following evidence and facts provide a basis for the recommendation/action on this request:*

- a) The existing zoning is inappropriate or inequitable.
- b) The proposed zone change will conserve property values; protect or improve the existing character and stability of the area and will promote the orderly and beneficial development of the area.
- c) The proposed zone change is appropriate by public necessity, public convenience, or the general welfare of the City.
- d) The PD zoning allows for innovative design solutions and facilitates ownership housing.

Evidence/Facts Related to the Required Findings: *The following evidence and facts provide a basis for the recommendation/action on this request:*

- a) The density of development proposed is consistent with the General Plan Land Use designation for this area and with the development to the north and east of this property.
- b) The design that can be accomplished through the proposed zone change will enhance property values in the area and will promote the orderly and beneficial development of such area.
- c) The PD zoning allows for innovative design solutions that facilitate ownership housing.
- d) The proposal will add 2 units to the City's housing stock.

STAFF RECOMMENDATION – May 10, 2006

Recommend that the Planning Commission make the necessary findings, based upon the evidence articulated above and as may be provided through the public hearing, to **approve** this request, subject to conditions.

RECOMMENDED CONDITIONS OF APPROVAL

In the event that this request is favorably considered, it is recommended that the Planning Commission apply the following recommended conditions of approval. In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. Damaged curb, gutter and sidewalk within the public right-of-way along property's frontage (to the nearest score mark) shall be repaired or replaced in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
4. Construct driveway(s) in the public right-of-way to City commercial driveway standard.
5. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
6. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Street Opening Permit** issued by the City Engineering Department. Issuance of the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to recordation of Parcel Map.
7. Developer is to cause a Parcel Map to be recorded to subdivide the parcel for development.

WATER

8. All on-site water distribution facilities shall be private and shall be maintained by owner. Water needs shall be served by individual meter(s) at the public street right-of-way.
9. All sanitary sewer lateral(s), either proposed or existing, shall be equipped with a clean-out at the property line.
10. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.

FIRE

11. Approved fire apparatus access roads (public/private) shall be established and maintained to within 150 feet of all exterior walls of any building.
12. Approved fire apparatus access roads shall have a minimum 20-foot width, have a minimum 13 ½-foot vertical clearances and have a minimum 36-foot inside turning radius.
13. In new construction, provide hard-wired smoke detectors with battery backup in accordance with the 2001 California Building Code, which sounds an audible alarm in all sleeping areas of the dwelling unit in which they are located.
14. Smoke Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.
15. The "front" building (Unit "A") shall have all smoke detectors interconnected, so they will all activate upon a single unit detecting smoke.

16. Prior to combustible materials being brought onto the site, approved fire apparatus access roads shall be constructed. These shall be capable of supporting the imposed fire apparatus load (70,000 lbs.) and have a FD approved all-weather driving surface.
17. Approved addresses shall be placed on all buildings in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background.
18. If the rear buildings addressing is not clearly visible from the street, then additional addressing shall be provided at the street to identify other buildings are located on this parcel.

POLICE

19. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
20. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible. A monument sign, preferably at all dedicated entrances to the property, shall be prominently displayed, showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
21. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.
22. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
23. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).

PLANNING AND INSPECTION

24. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
25. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
26. Submit draft CC&R's and CC&R's Checklist to the Planning Division for review. Final CC&R's are to be approved by the City Attorney and Planning Division prior to Council consideration of the final map.
27. As part of the CC& R's, require that garages be kept accessible for parking of two vehicles inside each garage.

28. Provide automatic garage door openers and roll-up garage doors.
29. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
30. Garbage and recycling cans shall be kept inside of garages or inside privately fenced yards until collection day.
31. Provide 6-foot solid masonry wall along southern property line to a point 15 feet from the front property line along Pomeroy. Step the wall down to 3 feet tall in that front 15-foot area if any wall is proposed there.
32. A 6' solid wood fence shall be provided along eastern and northern property lines wherever needed. Fence along northern property line shall stop at a point 15' from the western property line.
33. Any utility lines running parallel with Pomeroy shall be located under the public sidewalk if not under the street.
34. There shall be common landscape maintenance of the common area along the driveway and of the front yard of lot 1 (Unit "A"), as established through a recorded easement or CC&R's.
35. Street trees are to be provided at the public right-of-way. Specie size and spacing and location to be approved by City Arborist.
36. Prior to demolition of any structures or removal of any trees, schedule a field meeting with the City Arborist to discuss tree preservation. Call (408) 615-3080 72 hours prior to required field meeting. No trees are to be removed without approval and permit issued by City Arborist.
37. For existing trees, show specie and size of trunk measured as diameter at four-and-a-half feet above grade. Also submit a health and structure report from a (ISA) International Society of Arboriculture certified arborist for review and comment of City Arborist.
38. For any tree to be preserved, add City Arborist's notes and specifications for preservation to Architectural plans.
39. Landscaping along the entry driveway shall be a minimum of five feet wide, except where an additional foot of driveway is needed for back-out from Unit A's garage.
40. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces and treatment of runoff before it enters public facilities.
41. Provide two separate one-hour rated walls wherever building walls without openings at property line for both Units B and C, per Building Code.
42. Submit Tentative Parcel Map for Council review. If Tentative Map is approved, record final map and proceed with sale of the townhomes.
43. The guest/shared parking space shall not be used for permanent vehicle storage.

44. Install a permanent plaque near the public right-of-way commemorating the cultural and historical significance of the Buttita family.
45. Driveway approach must maintain 3' clearance from utility pole.
46. Relocate the hot water heater out of the garage area of Unit A so as to have 20 foot by 20 foot clear area for the garage.

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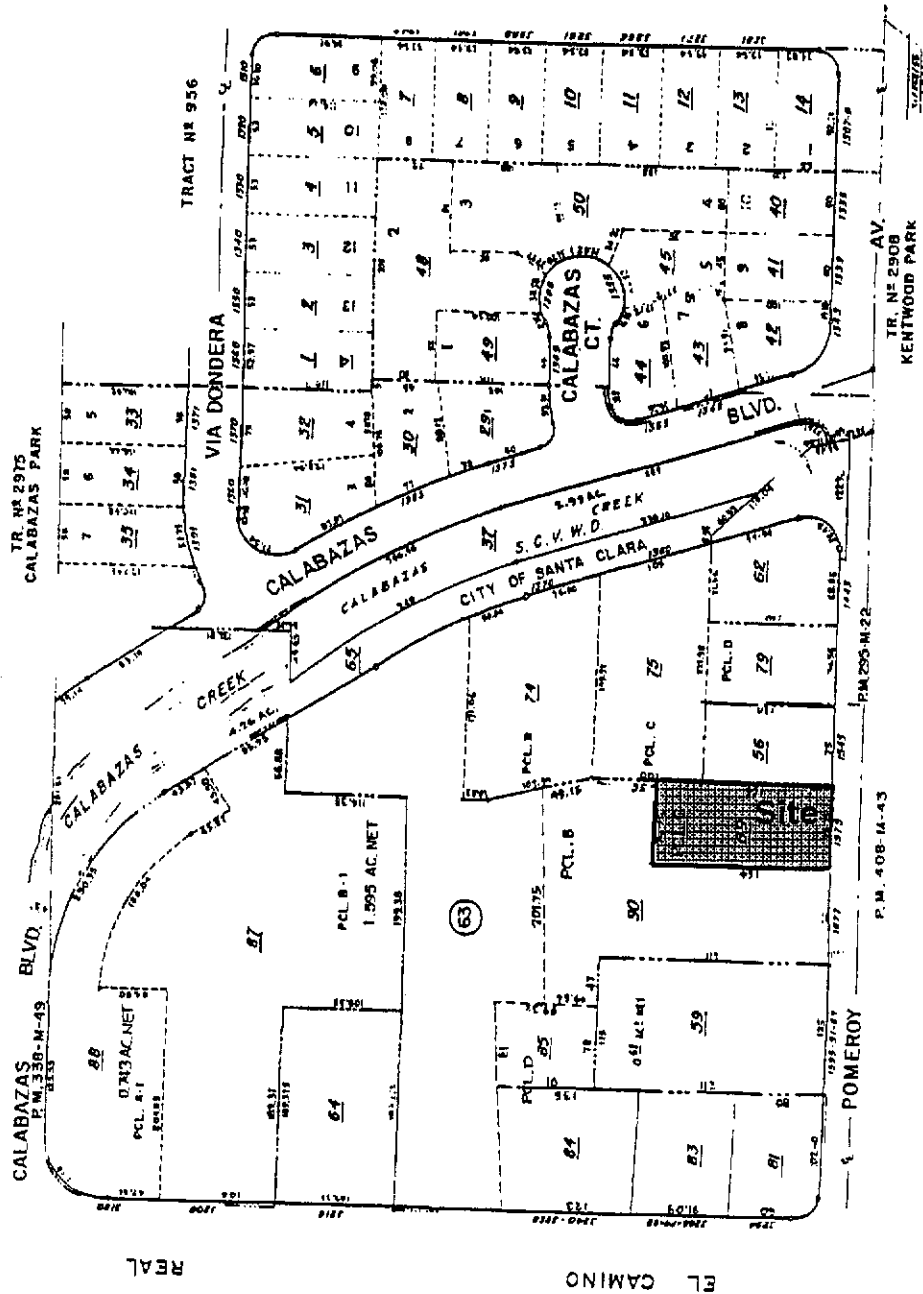
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OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA





File: **PLN2005-04965**
Location: 1575 Pomeroy Avenue, a 12,423 sq. ft. lot, located on the east side of Pomeroy Avenue, in a R1-6L (Single Family Residential) Zoning District, approximately 350 ft. south of El Camino Real (APN 290-03-089)
Applicant: Kurt Anderson, Anderson Architects
Owner: ERN, LLC
Request: **Rezone** from R1-6L (Single Family) to PD (R3- 18D) Planned Development – Single Family Attached) to remove an existing residence and construct 4 detached townhomes

Project Planner: Doug Handerson, Associate Planner
Marge Sung, Planning Intern I

Staff Recommendation: Recommend Approval, subject to conditions

PROJECT DESCRIPTION

The applicant proposes to demolish the existing house and accessory buildings and construct four detached townhomes through a Planned Development rezoning. Two covered parking spaces per unit will be provided, plus two open guest/shared parking spaces.

PRIOR ACTIONS

4/01/05: Application received
05/23/05: Application deemed complete by Project Clearance Committee
06/08/05: Planning Commission continued this application for up to 30 days (to the July 13, 2005 Planning Commission) at the request of a nearby property owner
7/13/05: Planning Commission continued the application for up to 90 days for redesign, with reposting.
08/29/05: Revised application deemed complete by Project Clearance Committee
9/14/05: Planning Commission continued this application to the October 12, 2005 Commission meeting to allow time for staff to obtain Traffic Safety information for this portion of Pomeroy.

CURRENT USE / ZONING / GENERAL PLAN

Current Use: Single Family Residential
Current Zoning: R1-6L (Single Family)
General Plan Designation: Moderate Density Residential – density up to 25 dwellings per acre

NEARBY PROPERTIES Land Use and Zoning

North: Apartments, zoned R3-25D
East: Apartments, zoned R3-25D
South: Single Family Residence, zoned R1-6L
Apartments, zoned R3-36D
West: Pomeroy and Single Family Residences, zoned R1-6L

ENVIRONMENTAL DETERMINATION

Categorically exempt per Section 15301 of the CEQA Guidelines.

CONSISTENCY WITH DESIGN GUIDELINES

This project is consistent with the City of Santa Clara's Design Guidelines.

STAFF REPORT OCTOBER 12, 2005

Public Input: *As this item was continued to a specific meeting, there was no additional noticing of this item. The summary of discussion and Commission action at the June 8, 2005 meeting, July 13, 2005 meeting, and September 14, 2005 meeting is provided at the end of this staff report.*

- Eddie Souza, a nearby property owner and relative of the property owners, contacted the Historic Resources Coordinator April 8, 2005 to discuss the history of his family in this area. He does not support demolition of the existing residence, citing historical significance and other reasons. A Determination of Historical Significance for the property at 1575 Pomeroy has been prepared by staff. Please see discussion under Considerations. A copy of the Determination by the Historic Resources Coordinator is attached to this staff report.
- On June 2, 2005, Eddie Souza, representing the Souza Family Trust, submitted the attached request for 30 day continuance of the public hearing for this project from the June 8, 2005 Planning Commission meeting. The Commission continued the Hearing on this application to the July 13, 2005 meeting, based on this request.
- The applicant submitted the attached July 5, 2005 Statement of Justification, along with information and documentation disputing that there is historical significance to the existing structures.
- On July 7, 2005, staff received a letter from Eddie Souza stating why the Souza Family Trust believes that the 1575 Pomeroy property meets the City's criterion for Historical and Cultural significance. The letter also states opposition to the demolition request and construction of the four townhomes. The letter identifies reasons why the proposed development should be denied.
- The Mayor and City Council received the attached July 15, 2005 e-mail from J.C. Rowen regarding this proposal.
- On September 12, 2005, Hung Le, homeowner of 1436 Pomeroy submitted a letter of opposition to this development. A copy is attached.
- At the September 14, 2005 Planning Commission, Eddie Souza submitted a petition with 36 signatures of persons in opposition to the demolition of the house and the new development.

Considerations: *The following general factors may be considered in evaluating this request. Some of these factors may represent evidence or facts that may directly support or refute the findings necessary to support this request:*

- In response to the Commission's request, the City's Traffic Engineer, Dave Pitton, has prepared the attached 2 page October 4, 2005 report on traffic and parking issues titled "Four-Unit Development at 1575 Pomeroy between Calabazas and El Camino Real." To summarize the report, the Traffic Engineer found that the proposed project would generate four peak hour trips. This is not a significant increase in traffic on this collector street that currently has a volume of approximately 4,500 vehicles on a typical day.
- Regarding on-street parking concerns, The City Traffic Engineer indicated that parking time limit zones could be created if a strong majority of the adjacent property owners agree. He summarized the accidents since 2002. Mr. Pitton said that this fall, City Traffic Engineering staff would be analyzing speed, volume, and accident information for this section of Pomeroy to determine if there is need for traffic calming measures, and if the need exists, he indicated that appropriate measures would be implemented.
- The proposed project does not reach any City, regional or State planning or transportation thresholds or regulations requiring traffic mitigation or any kind. In summary, the proposed project does not generate any traffic impacts in terms of patterns or volumes on Pomeroy or in the vicinity of the neighborhood, or cause traffic or safety issues as determined by the City Traffic Engineer.

- Based on the size, type, and number of units proposed for this development, the project is exempt from environmental review under the California Environmental Quality Act (CEQA).
- The applicant has maintained the flipped positions of the proposed building structures and the driveway. The building structures were originally shown as backing up to the apartments to the north and the driveway was to be along the southern property line. The revised plan proposes to locate the building structures in the southern part of the site and the driveway in the north. This change provides southern (sun) exposure for the new unit's private rear yard areas and moves potential vehicle noise sources away from the single family zoned property to the south.
- The second floor rear elevations of the units are redesigned from the original submittal. Most of the back of the second floor cantilevers only one foot into the 12 foot deep rear yard. Only the bathrooms in the middle on the second floor step outward another foot and so the mass of the rear elevations is reduced.
- The remainder of the Considerations section of this staff report can be found after the Recommended Conditions of Approval in the Prior Actions/ Staff Report September 14, 2005 section.

Alternatives to the Proposal: *The following alternative measures or possible changes to the project may achieve the project goals to some degree and/or result in a lesser impact than the project proposal, and may be but are not necessarily recommended by staff.*

- The applicant has accepted the previously-identified alternative and "flipped" the units to the south side of the property. There are no other alternatives that have been identified.

FINDINGS REQUIRED TO SUPPORT THE REQUEST

*Findings provide a means to link the available evidence with the decision to approve or deny the application. If this request is favorably considered, the preponderance of evidence should support the following or similar findings to approve the **rezoning** request:*

- a) The existing zoning is inappropriate or inequitable.
- b) The proposed zone change will conserve property values; protect or improve the existing character and stability of the area in question; and will promote the orderly and beneficial development of such area.
- c) The proposed zone change is required by public necessity, public convenience, or the general welfare of the City.
- d) The PD zoning allows for innovative design solutions and facilitates ownership housing.

Evidence/Facts Related to the Required Findings: *The following evidence and facts provide a basis for the recommendation/action on this request:*

- The Traffic Engineer's Report indicates that peak-hour trips generated by the proposed development of three additional units will not be significant on this collector street, that time-limit parking could be implemented on the street if a strong majority of property owners support it, and that Traffic Engineering staff will be monitoring the street this Fall to determine if traffic calming measures are needed.
- The revised design provides additional separation of the driveway of the new units from the single family home to the south. The new units' backyards are now on the south side and so, more sunny. This will provide a better living environment for the residents.
- The revised plan has redesigned the mass portion of the rear elevation on the second floor of the four units. The new design has helped reduce the bulk of the building.
- The density of development proposed is consistent with the General Plan Land Use designation for this area and with the development to the north and east of this property. The Moderate Density Residential General Plan designation calls for a density of up to 25 dwelling units per acre and on this .28 acre site that designation would support up to seven residences.
- The design that can be accomplished through the proposed zone change will enhance property values in the area and will promote the orderly and beneficial development of such

area.

- The PD zoning allows for innovative design solutions that facilitate ownership housing.
- The proposal will add 3 units to the City's housing stock.

STAFF RECOMMENDATION – October 12, 2005

Recommend that the Planning Commission make the necessary findings, based upon the evidence articulated above and as may be provided through the public hearing, to **approve** this request, subject to conditions.

RECOMMENDED CONDITIONS OF APPROVAL

In the event that this request is favorably considered, it is recommended that the Planning Commission apply the following recommended conditions of approval. In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. Developer is to cause a Final Map to be recorded to subdivide the parcel for development.
4. Damaged curb, gutter and sidewalk within the public right-of-way along property's frontage (to the nearest score mark) shall be repaired or replaced in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
5. Construct driveways in the public right-of-way to City standard commercial type.
6. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
7. All work within the public right-of-way or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors, it shall be included within a **Single Street Opening Permit** issued by the City Engineering Department. Issuance of the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
8. Provide storm drain calculations and adequate means for the drainage of the site.
9. Sanitary sewer lateral shall be 6" Vitrified Clay Pipe.

ELECTRIC

10. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall

also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.

11. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
12. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
13. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
14. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G6 and MS-G7.
15. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
16. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
17. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City.

After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

WATER

18. All on-site water distribution facilities shall be private and shall be maintained by owner. Water needs shall be served by individual meter(s) at the public street right-of-way.
19. All sanitary sewer lateral(s), either proposed or existing, shall be equipped with a clean-out at the property line.
20. Landscaping irrigation water needs shall be provided by a separate water service(s).

21. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.

FIRE

22. All trash receptacles larger than 1.5 cubic yards, that are located within 5 feet of the building, shall be sprinklered.
23. All exit doors/gates shall have free-opening hardware, which is always openable from the inside without the use of a key or special knowledge (CBC 1003.3.1.8).
24. In new construction, provide hard wired smoke detectors with battery backup in accordance with the 2001 California Building Code 310.9.1.3 and 310.9.1.4, which sound and alarm is audible in all sleeping areas of the dwelling unit in which they are located. If all sleeping rooms are not located in the same area then the smoke detectors shall be interconnected
25. Combustible construction in excess of 100 feet from the street shall not commence until the fire access road is in service and has been approved by the Fire Department. This access "road" shall be base rock with fiber sheet designed to support 70,000 lb. loads in all weather conditions for fire apparatus.
26. Approved addresses shall be placed on all buildings in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background. (2001 CFC 901.4.4)
27. NO PARKING shall be allowed along the landscaped area running the length of the driveway (excluding the guest parking at the rear of the site).
28. Fire Department access roadways shall be maintained clear and unobstructed. Provide proper fire lane signage and curb striping per the Vehicle Code Section 22500.1. Contact the Fire Department for fire lane program guidelines at (408) 615-4970.

POLICE

29. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
30. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible. A monument sign, preferably at all dedicated entrances to the property, shall be prominently displayed, showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
31. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.

32. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
33. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).

PLANNING AND INSPECTION

34. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
35. Submit draft CC&R's and CC&R's Checklist to the Planning Division for review. Final CC&R's are to be approved by the City Attorney and Planning Division prior to Council consideration of the final map.
36. As part of the CC&R's, require that garages be kept accessible for parking of two vehicles inside each garage.
37. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
38. Provide automatic garage door openers and roll-up garage doors.
39. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
40. Garbage and recycling cans shall be kept inside of garages or inside privately fenced yards until collection day.
41. Provide 6-foot solid masonry wall along southern property line to a point 15 feet from the front property line along Pomeroy. Step the wall down to 3 feet tall in that front 15-foot area if any wall is proposed there.
42. A 6' solid wood fence shall be provided along eastern and northern property lines wherever needed. Fence along northern property line shall stop at a point 15' from the western property line.
43. There shall be common landscape maintenance of the common area along the driveway, of the front yard of lot 1 (Unit "A"), and of that area along the eastern property line within Lot 4 but identified as "Common Area Landscaping," as established through a recorded easement or CC&R's.
44. Street trees are to be provided at the public right-of-way. Specie size and spacing and location to be approved by City Arborist.
45. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces and treatment of runoff before it enters public facilities.

46. Roof overhang and gutter between townhomes may not exceed $\frac{1}{3}^{\text{rd}}$ the distance (setback) between buildings and easement shall be recorded to allow roof and gutter to extend over property line.
47. Provide one-hour rated walls wherever building walls are less than 3 feet from the property line.
48. Submit Tentative Parcel Map for Council review. If Tentative Map is approved, record final map and proceed with sale of the townhomes.
49. The guest/shared parking spaces shall not be used for permanent vehicle storage.
50. Install a permanent plaque near the public right-of-way commemorating the cultural and historical significance of the Buttita/Souza/Speno family.
51. Driveway approach must maintain 3' clearance from utility pole.

Considerations: *The following general factors may be considered in evaluating this request. Some of these factors may represent evidence or facts that may directly support or refute the findings necessary to support this request:*

- The applicant has flipped the positions of the proposed building structures and the driveway. The building structures were originally shown as backing up to the apartments to the north and the driveway was to be along the southern property line. The revised plan proposes to locate the building structures in the southern part of the site and the driveway in the north. This change provides southern (sun) exposure for the new unit's private rear yard areas and moves potential vehicle noise sources away from the single family zoned property to the south.
- The second floor rear elevations of the units are redesigned. Most of the back of the second floor cantilevers only one foot into the 12 foot deep rear yard. Only the bathrooms in the middle on the second floor step outward another foot and so the mass of the rear elevations is reduced.
- The single family residence on this property is proposed to be demolished. It is over fifty years old. The Historic Resources Coordinator has prepared a Determination of Historical Significance for the property at 1575 Pomeroy. It is staff's conclusion that the structure does not qualify as a significant historical or architectural resource under the City's criterion, and is not a qualified historic resource subject to the California Environmental Quality Act (CEQA). The existing structure can be demolished under a ministerial action, but under City policy can only be removed upon approval of replacement plans.
- The site is 12,423 square feet (75'9" wide by 164 feet deep) or .28 of an acre.
- The density of the proposed development (14 d.u./acre) is consistent with the General Plan Land Use designation for this property and for surrounding properties on the east side of Pomeroy (up to 25 d.u./acre).
- The site is located next to a two-story apartment complex to the north that "wraps" around the subject property along its northern and eastern property lines. In addition, the back portion of the southern property line of this site is adjacent to the rear of another apartment development that fronts on Calabazas Boulevard.
- The other property that is immediately adjacent to the south, fronts on Pomeroy and is zoned R1-6L and contains a single family residence, as do the next two properties south of that and the properties directly across Pomeroy.
- The proposed development consists of four two-story townhomes, nearly identical in design and sited in a linear fashion. The driveway to the units is now proposed to be located on the north side, adjacent to the apartment building rather than the single family house to the south. The development's proposed design maintains a 4 foot separation between the adjacent buildings, with a zero lot line on one side of each home except the one fronting on Pomeroy. If approved as proposed, they will cover 34% of the lot for a .66 floor area ratio (F.A.R.). A tentative subdivision application is anticipated to be submitted following this approval.
- The proposed four residential lots range in size from 1,820 square feet to 2,600 square feet. Lot 5 is the remainder lot of common open space and totals approximately 3,900 square feet. Recommended conditions of approval require the preparation of CC&R's and shared maintenance of the landscaping fronting on Pomeroy and the driveway and landscaping in the common area of the property.
- A fifteen foot front setback from the Pomeroy right-of-way is proposed for Lot 1 (Unit "A").
- Each unit will have a two-car garage of approximately 382 square feet (19' by 19' interior where Ordinance would ordinarily require a twenty by twenty foot area). A condition of approval requires that the garages be used for parking of vehicles only. Two guest/shared parking spaces are proposed at the end of the driveway.
- Each unit consists of a first floor living area of ranging from 670 square feet to 682 square

feet and a second floor living area ranging from 978 square feet to 1,015 square feet. Each unit will have three bedrooms and two-and-a-half baths.

- With the garages, the total building area for each home ranges from 2,030 square feet to 2,078 square feet.
- The overall design of the exterior of the units is one of good quality with walls of stucco with flagstone veneer highlights, roofs of concrete roof tiles, and a decorative wrought iron balcony. The front townhome's front door faces Pomeroy.
- The concerns of neighbors regarding traffic and parking on Pomeroy may be partially due to the fact that the Pomeroy street width narrows down to a 60 foot Right-of-Way width north of Calabazas Boulevard. The street is wider south of that intersection (80 foot Right-of-Way). The City has no plans to widen Pomeroy in the block between Calabazas and El Camino Real.

Alternatives to the Proposal: *The following alternative measures or possible changes to the project may achieve the project goals to some degree and/or result in a lesser impact than the project proposal, and may be but are not necessarily recommended by staff.*

- The applicant has accepted the previously-identified alternative and "flipped" the units to the south side of the property. There are no other alternatives that have been identified.

Evidence/Facts Related to the Required Findings: *The following evidence and facts provide a basis for the recommendation/action on this request:*

- The revised design provides additional separation of the driveway of the new units from the single family home to the south. The new units' backyards are now on the south side and so, more sunny. This will provide a better living environment for the residents.
- The revised plan has redesigned the mass portion of the rear elevation on the second floor of the four units. The new design has helped reduce the bulk of the building.
- The density of development proposed is consistent with the General Plan Land Use designation for this area and with the development to the north and east of this property.
- The design that can be accomplished through the proposed zone change will enhance property values in the area and will promote the orderly and beneficial development of such area.
- The PD zoning allows for innovative design solutions that facilitate ownership housing.
- The proposal will add 3 units to the City's housing stock.

STAFF RECOMMENDATION – September 14, 2005

Recommend that the Planning Commission make the necessary findings, based upon the evidence articulated above and as may be provided through the public hearing, to **approve** this request, subject to conditions.

Summary of Discussion – September 14, 2005

Commissioner Marine excised himself from this item.

Mr. Riley reminded the Commission that this item was continued from the Planning Commission meetings of June 8 and July 13. He explained the revised project that flipped the position of the proposed building structures to the south property line and the driveway to the north property line. He further stated that staff is supportive of this project proposal.

Applicant Kurt Anderson addressed the Commission and stated that the proposed density of 14 dwelling units per acre is lower than the General Plan designation allows for this property of up to 25 dwelling units per acre.

The following residents expressed opposition to the project citing density issues, privacy, traffic impacts of the projects and public safety: Eddie Souza of 1525 Pomeroy Avenue, Agnes

Hickman of 1418 Pomeroy Avenue, Alex Velasco of 1450 Pomeroy Avenue. Mr. Souza also provided a petition signed by neighboring residents that were in opposition to the project.

Commission Hardy explained that traffic issues should be addressed to the City's Traffic Engineering Department, and that she was unable to make a connection between the existing traffic problems with the proposed project.

Mr. Anderson stated in his rebuttal that the traffic issues are separate from the proposed project, as only three more housing units will be added to this neighborhood.

The public hearing was closed.

Several motions were made to either approve or deny the project, but failed due to the lack of the required four votes.

There was discussion about the relationship between the existing traffic safety problems and the proposed project.

Commission Action – September 14, 2005

It was moved by Commissioner Kornder, seconded by Commissioner Hardy and unanimously carried, with Commissioner Marine abstaining and Commissioner Braga excused, that the Planning Commission **continue this item to the next Planning Commission meeting of October 12, 2005**, to allow staff to gather factual traffic safety information.

SUMMARY OF DISCUSSION-July 13, 2005

Commissioner Marine was excused from this item, as he had some personal interactions that may influence his decisions on the matter.

Chairperson Sarodi disclosed that he had received a phone call from Mr. Eddie Souza prior to the meeting, but that there was no discussion on this item.

Commissioner Champeny also announced that Mr. Souza had also discussed concerns with the proposed project during his visit to the site.

Mr. Riley reviewed the staff report while noting that the Historical and Landmarks Commission (HLC) reviewed this item on July 7th. He stated that though HLC did not designate this structure as a historically significant property, a recommendation was made that a plaque be installed by the developer to recognize the Buttita family's legacy in the City. Mr. Riley added that the Conditions, Covenants, and Restrictions (CC&Rs) would require that the garages be used for parking only.

Commissioner Braga asked about the purpose of the plaque without the structure being retained. Mr. Riley clarified that HLC made the distinction between historical significance and cultural importance of the family, and concluded that this site is worthy of a plaque that acknowledges the contributions of the family. Mr. Riley also added that although the individual property may not be significant on its own, the plaque would address the value of the property as being part of a larger ranch owned by the Buttitta family.

Ms. Sciara explained that the developer would install this plaque and that there would be no cost to the City.

Commissioner Hardy expressed concern about the proposed 4-foot distance between the units. She noted that the alternative stated in the staff report to flip the site design to put the driveway area adjacent to the apartments along the north property line is worth considering.

There was discussion about the possible parking and traffic impact that this project may have on the existing neighborhoods.

Applicant Kurt Anderson stated that he and the property owners would be open to continuing this item for redesign in order to address the Commission and residents' concerns. He asked Commission for clarification about their concerns.

Several Commissioners stated that the alternative project design would be worthy of exploration and that neighborhood involvement in the process would be beneficial. Commissioner Hardy added that the massing of the proposed units should be addressed, and that the second floor should not to be the same percentage as the first floor.

Eddie Souza of 1525 Pomeroy Avenue addressed the Commission and stated that the residents are already overburdened with traffic and parking problems in this neighborhood. He added that he had obtained a petition signed by neighboring residences expressing opposition to the proposed project.

Agnes Hickman of 1418 Pomeroy Avenue expressed her concern about the possibility of increasing the traffic problem along Pomeroy Avenue, and added that she has been a resident of this area since 1967.

David Buttita Moore, great grandson of Frank Buttita, then addressed the Commission and stated that although he wanted to stay neutral to the project, he does support a plaque being installed, regardless if the existing structure is retained.

James Brick of 1445 Pomeroy Avenue also expressed his concern about exacerbating the traffic problem.

The public hearing was then closed.

Commission Action- July 13, 2005

It was moved by Commissioner Braga, seconded by Commissioner Hardy and unanimously carried that the Planning Commission **continue this item up to 90 days** for redesign, per applicant's request.

STAFF RECOMMENDATION - June 8, 2005

Recommend that the Planning Commission make the necessary findings, based upon the evidence articulated above and as may be provided through the public hearing, to **approve** this request, subject to conditions.

SUMMARY OF DISCUSSION - June 8, 2005

This item was heard as a request for a continuance.

Commissioner Marine recused himself from this item.

Mr. Riley advised the Commission that neighbor Eddie Souza of 1525 Pomeroy Avenue is requesting a continuance of this item up to 30 days. A letter of justification from Eddie Souza was received and included in the Commissioners' packets.

Mr. Souza addressed the Commission and expressed opposition to the project. He stated that there is a rich family history on this property and that the reason for the continuance request is to gather additional background information about this property. Mr. Souza also expressed his concern about the traffic that exists along this street, and that this project would exacerbate the

current traffic problem. He added that there are new property owners in the vicinity of the project site and that they were not properly noticed.

Agnes Hickman of 1418 Pomeroy Avenue was also present to express her concerns regarding this project proposal. Ms. Hickman stated that traffic and parking problems already exist along Pomeroy Avenue, and that this poses a danger to citizens in the area.

The applicant, Kurt Andersen, and property owner, Ernie Speno, were present. Mr. Speno addressed the Commission and stated that the existing house was built in the 1950's and has no historical significance.

Mr. Riley reminded Commissioners that the request is for a continuance and that a recommendation on the rezoning request is not being made.

There was discussion about possibly continuing the item for up to 15 days instead of 30 days, to the next Planning Commission meeting of June 22nd.

Commissioners Kim and Chairman Braga stated that it would be more appropriate to allow the continuance for up to 30 days to allow Mr. Souza to obtain more information about the property and to properly notice the public.

Commission Action- June 8, 2005

It was moved by Commissioner Rodriguez, seconded by Commissioner Sarodi and unanimously carried (Commissioner Marine abstaining) that the Planning Commission continue this item up to 30 days, to the Planning Commission meeting of July 13 (posting will be required).

I:\PLANNING\2005\Project Files - Active 2005\PLN2005-04965 1575 Pomeroy Ave\Pomeroy 10-12-05 Rpt.doc

INTEROFFICE MEMORANDUM
City of Santa Clara



Date: 10/4/2005

To: Director of Planning and Building Inspection

OCT 04 2005

From: Traffic Engineer

City of Santa Clara
Planning Division

Subject: Four-Unit Development at 1575 Pomeroy between Calabazas and El Camino Real

Background

Pomeroy Avenue functions as a 'collector' street. In general, collector streets 'collect' traffic from nearby local streets to feed onto the arterials, and they are designed to provide a balance between mobility and abutting property access within residential, commercial, or industrial areas.

Posted speed limits on collectors generally range between 25 and 35 mph; Pomeroy Avenue is posted at a speed of 30 MPH. Traffic volumes on collectors can range from about 4,000 vehicles per day on a two-lane facility up to 20,000 vehicles per day on larger multi-lane facilities; the existing volume of Pomeroy Avenue is about 4,500 vehicles on a typical day.

Traffic generated by development

The trip generation for the subject development is based on the 7th edition of the Institute of Transportation Engineers Trip Generation manual:

	Project Trip Generation	Existing Volume on Pomeroy	Project Trip Generation as a percentage of Existing Volumes
Daily Trips	42 trips	4,500 vehicles	1%
AM Peak Hour Trips	4 trips	441 vehicles	1%
PM Peak Hour Trips	4 trips	520 vehicles	1%

The above table shows that the project trips will increase the volume on Pomeroy Avenue by an insignificant amount (1%) over the entire day, and also during the AM peak hour and the PM peak hour.

Furthermore, the City follows the Valley Transportation Authority's Congestion Management Program transportation impact analysis (TIA) guidelines when analyzing traffic impacts of proposed developments. These guidelines state that a traffic impact analysis for a development is necessary when a development is expected to generate 100 or more peak hour trips in the AM or PM peak periods. Since the subject development is expected to generate only 4 trips in either the AM or PM peak periods, no TIA is necessary and the development will not impact surrounding streets or intersections.

Accident History on Pomeroy Avenue

According to Police Department records, there were the following number of accidents on Pomeroy Avenue between Calabazas Boulevard and the southerly curb of El Camino Real:

- 4 accidents in 2002
- 1 accident in 2003
- No accidents in 2004
- 4 accidents in 2005 (until September 2005)

Contributing factors of the above-listed accidents vary. This fall, City of Santa Clara Traffic Engineering staff will be analyzing speed, volume, and accident information for this section of Pomeroy to determine if there is need for traffic calming measures, and if the need exists, appropriate measures will be implemented.

In addition, according to Police Department records, there were the following number of accidents within the intersection of Pomeroy Avenue and El Camino Real:

- 1 accident in 2002
- 2 accident in 2003
- 4 accidents in 2004
- 1 accident in 2005 (until September 2005)

The intersection of Pomeroy Avenue and El Camino Real is within the jurisdiction of the State of California Department of Transportation (Caltrans), since El Camino Real is State Route 82. The accident reports for the above list of accidents within the intersection of Pomeroy Avenue and El Camino Real will be forwarded to Caltrans traffic safety engineers, for their review and determination on the need for collision countermeasures.

Implementation of Time Limit Parking

In order to decrease parking congestion caused by parking of vehicles by non-residents, a 1-Hour or 2-Hour parking time limit zone can be created on Pomeroy Avenue, if there is sufficient support from property owners and residents on the street. A petition would need to be circulated for signature by interested residents; the petition would then be submitted to City of Santa Clara Traffic Engineering staff for review and determination of adequate support (a strong majority). If adequate support exists for creation of a time-limit zone, then Traffic Engineering will send a resolution for City Council action and if approved, City crews would post signs indicating the new time-limit parking zone along the street frontage of the properties affected.

Please note the following information which also applies to the proposed zone:

- The 1-hour or 2-hour parking zone would be in effect from 8 AM to 6 PM, Monday to Friday, excluding weekends and holidays, unless the petition requests differing times and days.
- Residents living within the proposed zone may obtain up to two (2) parking stickers per household from the City of Santa Clara Police Department offices at 601 El Camino Real, at the corner of El Camino Real and Benton Street. A resident's vehicle displaying a sticker would be allowed to park within the zone longer than the posted time limit.

PLN2005-04965

RECEIVED
SEP 13 2005

B.
File: PLN2005-04965
Location: 1575 Pomeroy Avenue, a 12,423 sq. ft. lot, located on the east side of Pomeroy Avenue approximately 350 ft. south of El Camino Real (APN 290-03-089)
Applicant: Kurt Anderson, Anderson Architects
Owner: ERN LLC
Request/Description: Rezone from R1-6L to PD (R3- 18D) to construct 4 detached townhomes
CEQA Determination: Categorically exempt per Section 15332 of the CEQA guidelines
Related Files: None
Applicants Present: Ernest Speno
Nick Speno
Kurt Anderson, Architect
Date Last Heard: 5/23/05
Remarks: Staff reviewed the Initial Study as submitted, and noted the following:

ELECTRIC

- Developer to submit a composite utility plan showing proposed meter locations, proposed electric trench route on site, and proposed landscaping including proposed tree placement.

ENGINEERING

- Provide APN's of adjacent properties on Tentative Map.
- Provide 5 ft. wide sidewalk (including curb width).
- Label each lot and provide lot area.
- Provide typical private street cross section including utilities.
- Provide storm drain calculations and adequate means for the drainage of the site.
- Sanitary sewer lateral shall be 6" VCP with a cleanout installed at property line.
- Driveway shall be commercial type standard and minimum of 24 ft. in width.

WATER

- Show all the existing and proposed Water and Sewer Utilities.
- Utilize existing water and sewer services for the proposed water demand and sewer discharge if adequate.

Required Revisions:

1. See comments listed above.

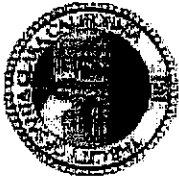
This application is accepted as complete and will proceed to Planning Commission.

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

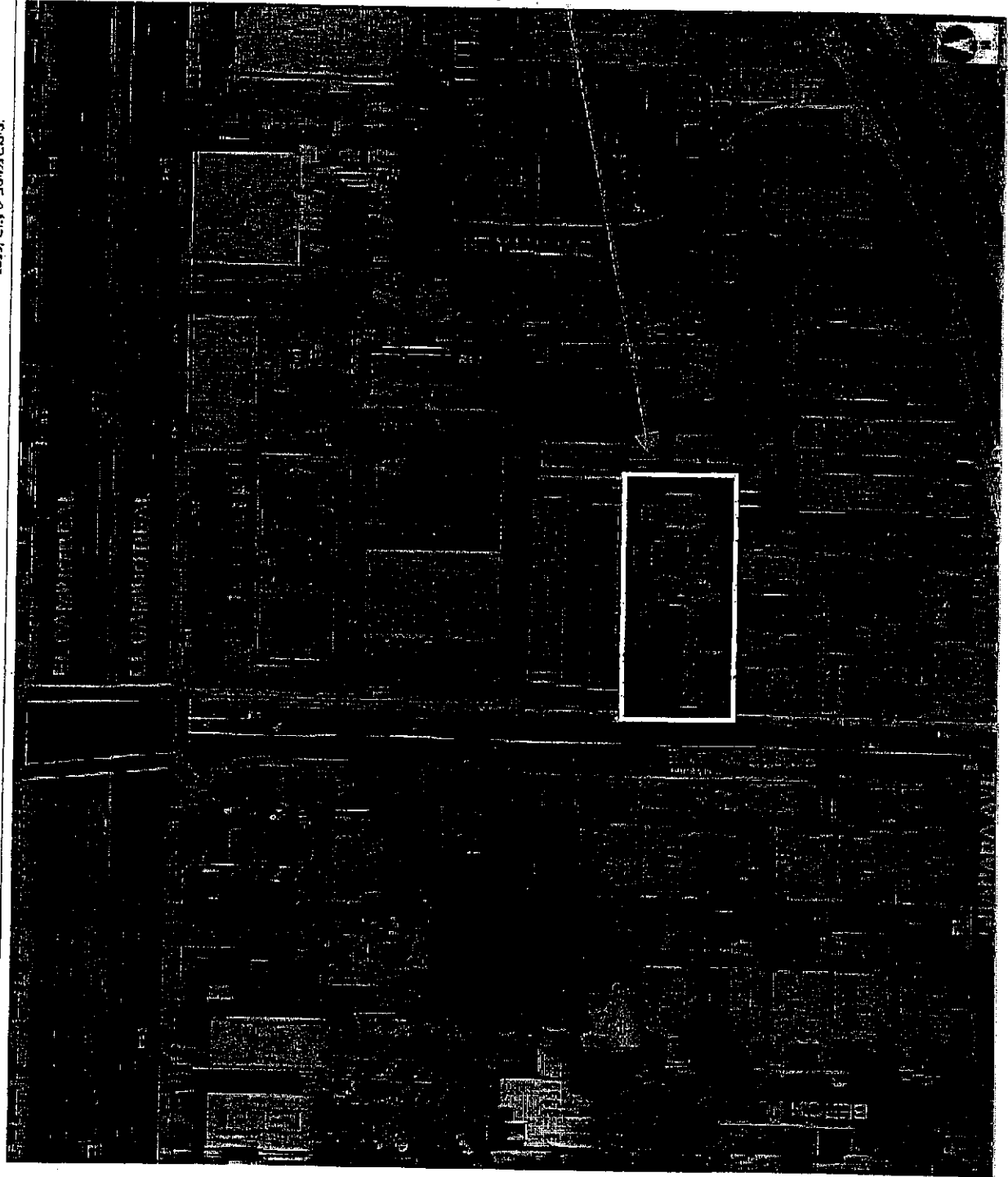
1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING



**City of Santa Clara
Aerial
1575 Pomeroy Ave
April 6, 2005**

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without warranty of any kind. Any reuse of
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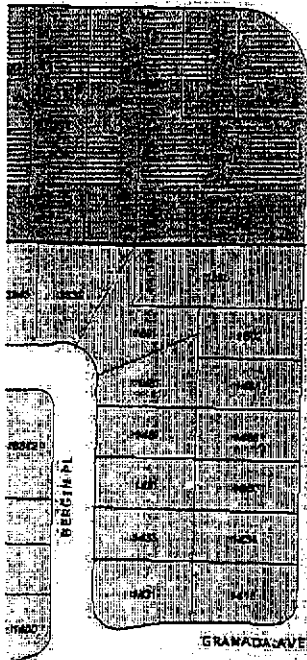


Site

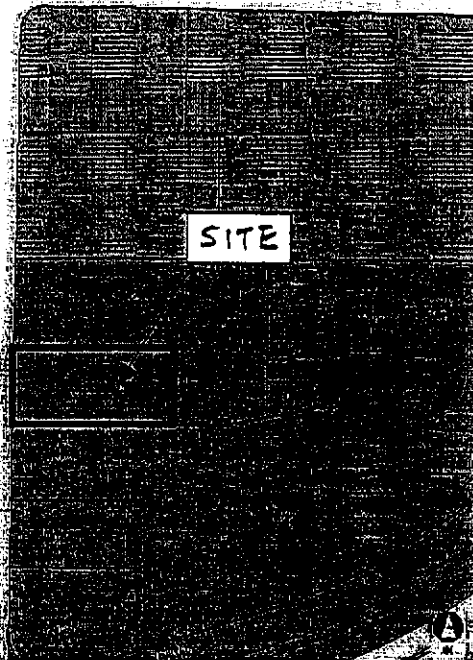


City of Santa Clara
General Plan
Moderate Density Residential
April 4, 2006

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EL CAMINO REAL



City of Santa Clara
Zoning Map
R1-6L
April 4, 2006

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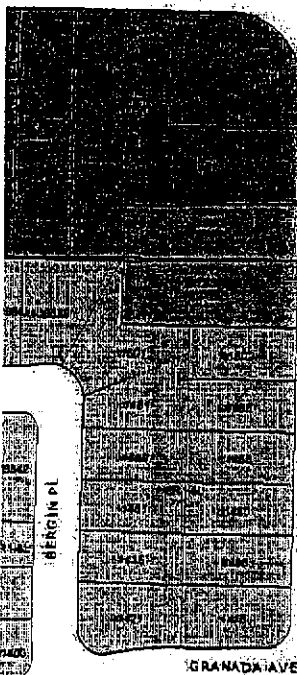
1575 Pomeroy Ave
PLN2005-04965
APN 290-03-089

Rezoning

General Plan
Moderate Density
Residential

EL CAMINO REAL

EL CAMINO REAL



POMEROY AVE



GRANADA AVE

Zoning Designations
R1-6L

RECEIVED AT
SEPTEMBER 14, 2005
PLANNING COMMISSION
MEETING

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

(35)
Name

Address

1.	Maria A. Souza	1545 Pomeroy Ave Santa Clara CA 95051 3821
2.	Eddie Souza	1525 Pomeroy Ave S.C
3.	Lowell Souza	1525 Pomeroy Ave
4.	Agnes B. Hickman	1418 Pomeroy Ave
5.		
6.		
7.		
8.		
9.		
10.		

1

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

1.	Allan Lao	3300 Granada Ave
2.	Sal + Nelly Chavez	3310 Granada Ave
3.	Carol Shishido	3326 Granada Ave
4.	Adel Saeed	3350 Granada Ave
5.	Jaime Meyer	3380 Granada Ave
6.	Ismail Esmail	3386 Granada Ave
7.	Steve Lynch	3400 GRANADA AVE
8.	GEORGE HAMBLER	3392 GRANADA AVE
9.	Adoracion Ventun	1399 McPherson St
10.	MARGARET L SMITH	1432 McPHERSON ST

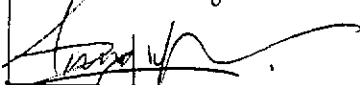
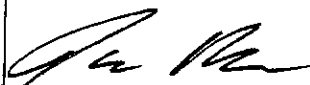

2

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

1.	Rich Busch	1435 Bersin Pl
2.	JOHN WOODWORTH	1421 BERLIN PL.
3.	Marghary Lee	1436 Pomeroy Ave
4.		1468 POMEROY AVE
5.	Patricia Anderson	1502 Pomeroy Ave
6.		1445 Pomeroy Ave
7.	Sam Britt	1445 POMEROY AVE.
8.		1445 Pomeroy Ave
9.	Bob McCally	3281 Pl. 550 at 6-
10.	Rebecca Land	3281 Elmhurst

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

1.	MARY Frederito	1464 McPherson St S.C.
2.	Lili Litt	3407 Snively Ave Santa Clara CA 95051
3.	Miguel ARRIASA	3788 SNIVELY AV SANTA CLARA, CA 95051
4.	Mrs Helen Martinez	3383 Snively ave S.C.
5.	Luis A. CHAVEZ	3380 SNIVELY AV. S.C.
6.	Apollon Telly	3372 Snively Ave S.C.
7.	Kim Suddick	3350 Snively Ave S.C.
8.	John	3343 Snively Ave, Santa Clara
9.	Bernardino Arzodon	3342 SNWENT AVENUE, Santa Clara
10.	David Stricker OVERT	1436 BELGIN PL, S.C.

To the City of Santa Clara Planning Commission and
the City Council:

We the undersigned are opposed to the demolition of the
Buttitta house at 1575 Pomeroy Avenue, and we are opposed to
the construction of townhouses at that same address: PLN2005-
04965.

Name

Address

1.	Robert McCalliey	3280 El Sobrante St. SC.
2.	Angelina McCalliey	3280 El Sobrante St. SC.
3.		
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RE: 1575 Pomeroy
PIN 2005-04965

From: JC Rowen <jcrowenwriter@yahoo.com>
To: <mayor&council@ci.santa-clara.ca.us>
Date: Friday, July 15, 2005 9:59:32 AM
Subject: PIN2005-04965

I would like this email also forwarded to the planning commission and historic landmarks commission and placed in the file of public responses on this project.

Historic Preservation Issues are issues for public discussion and therefore it is expected that they become political issues as well.

However, I am very concerned over the actions of some council members to do, as Boss Tweed once said, (paraphrase), "what matters is not the counting, but making sure who does the counting"

Mr. Souza is fully aware of the policies with regards to making properties eligible for historic preservation planning. Indeed Mr. Souza once said that historic preservation was a fallacy since "anyone can get a demolition permit for ten dollars" Now, he seeks to protect something from being demolished that he has never sought to have listed or surveyed.

Indeed, the chronology and statements he made at the planning commission hearing about Mr. Kim, led anyone connecting the dots to assume there were several reasons for several council actions supported by some that seem very related.

The relevant matter, however, is this: Mr. Souza never, in well over twenty years, sought to make that area around Pomeroy eligible for historic preservation, frequently opposed historic preservation for other matters, and now, since it suits some agenda, as it suited some agenda in the past, is becoming the preservationist of El Camino.

The fact also, is that the area can be developed well, is in parts of the city that is being developed, and frankly has the ability to be developed.

Interesting how, the sands of the Mission City Hour Glass, turn to some different ways when it is suitable

James Rowen

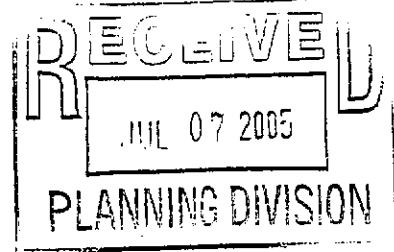
Start your day with Yahoo! - make it your home page

CC: <kriley@ci.santa-clara.ca.us>, <attypatty@sbcglobal.net>, <patkoistad@aol.com>, <jamie@jamiemcleod.org>, <mrkevmoore@aol.com>, <califdems@aol.com>, <atkevmoore@aol.com>, <annasong@aol.com>, <jlmclemore@aol.com>, <lismgill@aol.com>

PLN2005-04965

Erle Souza
for the Souza Family Trust
1525 Pomeroy Avenue
Santa Clara, CA 95051

City of Santa Clara Planning Commission
1500 Warburton Avenue
Santa Clara, CA 95050



Dear Planning Commission Members,

Because of health and logistical problems, we were not able to get all of the materials related to the Buttitta House at 1575 Pomeroy Avenue (PLN2005-04965) to the Planning Department staff by July 7th for distribution to members of the Planning Commission.

We believe that our grandfather's house and adjacent ~~property~~ property meet the city's criterion for Historical and Cultural Significance:

1. The site, building or property has character, interest, integrity and reflects the heritage and cultural development of the city, region, state, or nation.
2. The property is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.
3. The property is associated with a significant industrial, commercial, agricultural, or transportation activity.
4. A building's direct association with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.

We are still opposed to the demolition of the Buttitta House and the construction of the four substandard townhouses:

This project affects the health and safety of the neighboring community, including adjacent property belonging to my 87 years

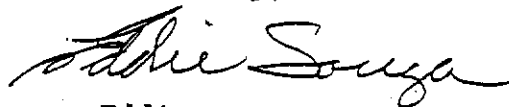
old mother, Antionett (Toni Souza), the last living child of Nick and Concetta Buttitta.

This project does not meet the basic city codes, and requirements, and the city has to give many variances to allow this project to go through. The garage size is substandard, and the setbacks for the front yard, the back yard, and the side yard are substandard. The number of allotted parking spaces is inadequate for this project, and curbside parking is already strained by existing residential and commercial property owners.

This project is not a true economic benefit to the neighborhood or to the city because it creates a hodgepodge development on the total Pomeroy Avenue and El Camino corner, which is an extended family property.

Thank you for your patience. I appreciate your consideration.

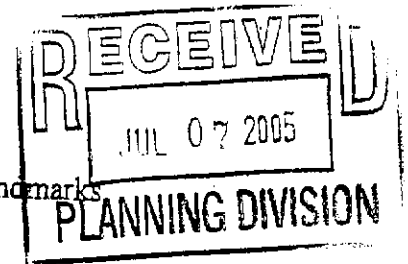
Sincerely,

A handwritten signature in cursive script that reads "Eddie Souza".

Eddie Souza
for the Souza Family Trust

July 5, 2005

To the City of Santa Clara Planning Commission and Historical and Landmarks Commission:



Re: Four-unit PD development at 1575 Pomeroy Ave

We are asking the Planning Commission for favorable consideration for a PD project on property that was once our grandparents' orchard. We are also asking for the demolition of a fifty-year-old dilapidated house and dance studio that has no historical significance. The house was built when we were children so we have first hand knowledge that it does not meet any of the criteria for historical significance.

The orchard was purchased by our grandparents in the early 1930s and was located on the corner of El Camino Real and Pomeroy Avenues. My grandparents demolished the old Victorian home they lived in and built a new and more modern structure. They put a great deal of time and energy into adding modern innovations of the 1950s. Such items as a built-in stove top and oven, forced air heating and space for a "big" refrigerator. The house was designed as a ranch style house with a tile roof. This style of home has become a main stay in the valley with thousands and thousands built in the last fifty years. To look at the house from the street you would probably guess it was built in the sixties or seventies except for its deteriorated condition.

If approved, this will be our third building project on this orchard property, which our grandparents' purchased, in the early 1930s. We would like to invite the Commission to visit our two current projects, which were built in the late 1970s. After all these years the two apartment houses, one at 1370 Calabazas Blvd. and the other at 1577 Pomeroy Avenue are still maintained in excellent condition. We built them with the best labor and materials available and have kept them in excellent shape. We take pride of ownership in our properties and will do the same with the PDs that we are planning for this project.

The current condition of our grandparent's house, our Aunts house next door and that of Eddie Souza's next door to that house are a source of embarrassment. There is a strong need to demolish our grandparents' house and dance studio because it is not economically feasible to repair either of them. Eddie Souza needs desperately to complete the roof project that he started on our Aunts' (Eddie Souza's mother) house next door about ten to fifteen years ago and remove the old pickup truck from the driveway that has been stored there in an inoperative condition for upwards of twenty years. Although Eddie Souza is living in his house it is still in an unfinished condition after twenty approximately years of construction. The inside of the house is filled with old used building materials and boxes that in our opinion make the house both uninhabitable and unsafe (a real fire hazard). The driveway contains a large ocean going ship container for storage and an extra large garbage bin, which further detracts from the appearance of the neighborhood.

We purchased our grandparents' house and property from Eddie Souza's brother, Armand Souza. About a year ago Armand asked us if we were interested in purchasing the property. We agreed and had the property appraised and purchased it over an approximate three-month period. We purchased the property with our Aunt's full knowledge and concurrence of building condo type units.

After the sale was completed we took the preliminary plans to Eddie Souza's mother, our Aunt and went over them with her. She agreed that they looked fine and what she had expected. Her only concern was that the fence dividing the two properties was falling down and needed replacing. We agreed to put up a new fence at our expense, and that she could pick out a fence to her liking. We then took these preliminary plans to show Eddie Souza. To our surprise, he refused to even look at them. He claimed that he knew nothing about the sale of the property prior to the transaction closing and that if he had known he would have purchased the property and developed it himself. He further told us that that he would fight us at every step of the way with the City.

We designed the units with the driveway to the South of the buildings to give our Aunt next door the maximum open space between the PDs and her home.

We believe that our planned PDs would act as a good buffer zone between the commercial zoning on the corner of El Camino Real and Pomeroy, our apartments to the North and East of this property and the single family housing to the South. Further, it is our understanding that the General Plan Land Use designation for this area shows such a buffer zone.

Our plans are designed to have the front unit face Pomeroy to give the appearance of a single-family home from the street. We believe that our design will enhance property values in the neighborhood. The buildings are of stucco with second story stone fascia and balconies with rod iron railings. Four feet separate each building. Parking in the neighborhood should not be impacted in that each unit has a two-car garage and there are two extra off-street parking places.

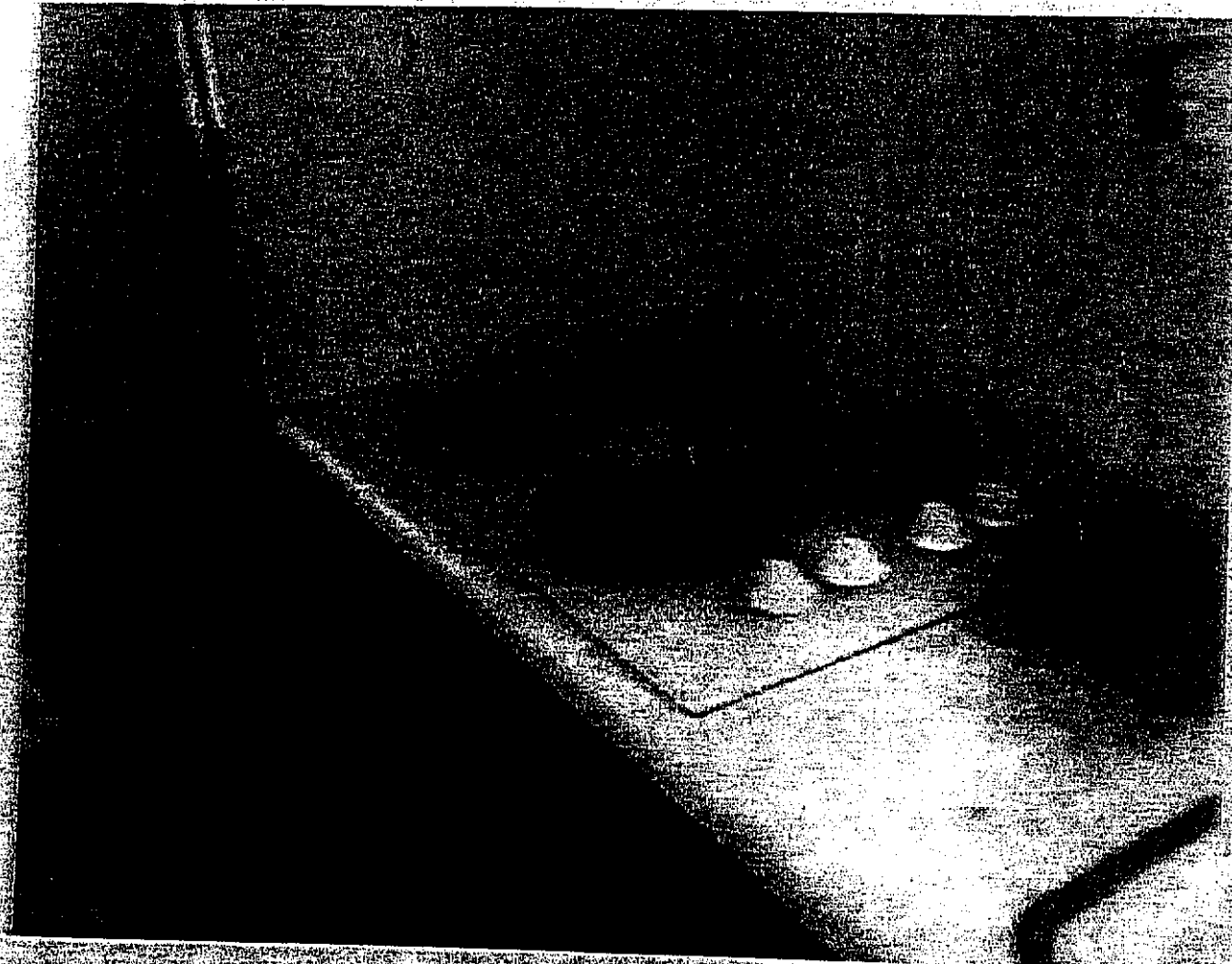
Since the current property contains two units, a house and a dance studio, we would only be adding two units to the property. The current dance studio, if in operation would probably add more traffic to the area than the extra housing units.

The demand for single family housing in the area remains strong. We believe that the building of these four upscale units will make maximum utilization of this property and help satisfy the need for additional family dwellings in the community. Additionally, the City of Santa Clara's inventory of homes will increase and help increase the tax intake for this property the addition of the three additional housing units.

Thank you for considering our request.

Ernest, Nicholas and Ronald Speno

Subj: (no subject)
Date: 6/7/2005 1:35:41 P.M. Pacific Daylight Time
From: 4084257492@mms.mvcingular.com
To: mvft@aol.com



BUILT-IN STOVE TOP
1575 POMEROY AVE

Tuesday, June 07, 2005 America Online: MVFT

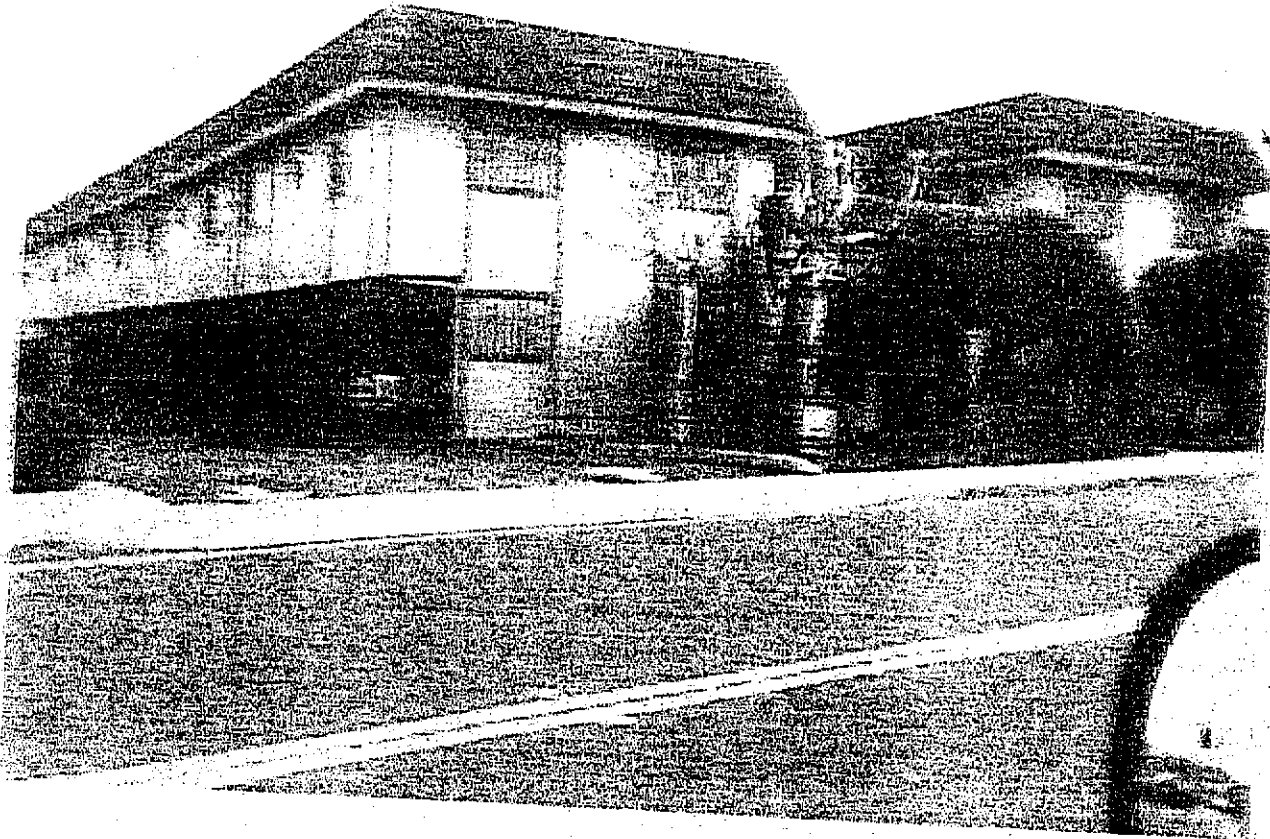
Subj: (no subject)
Date: 6/7/2005 1:36:45 P.M. Pacific Daylight Time
From: 4084257492@mms.mycingular.com
To: mvft@aol.com



BUNG-IN OVER
1575 POMEROY AVE

Tuesday, June 07, 2005 America Online MWFT

Date: 4/2/2005 4:39:46 P. Pacific Standard Time
From: 4084257492@mms.mycingular.com
To: mvft@aol.com



1577 POMEROY AVE
E. R. # N. SPEND APTS.

Sunday, April 03, 2005 America Online: MVFT

Subj: (no subject)
Date: 4/2/2005 4:35:48 P.M. Pacific Standard Time
From: 4084257492@mms.mycingular.com
To: mvft@aol.com

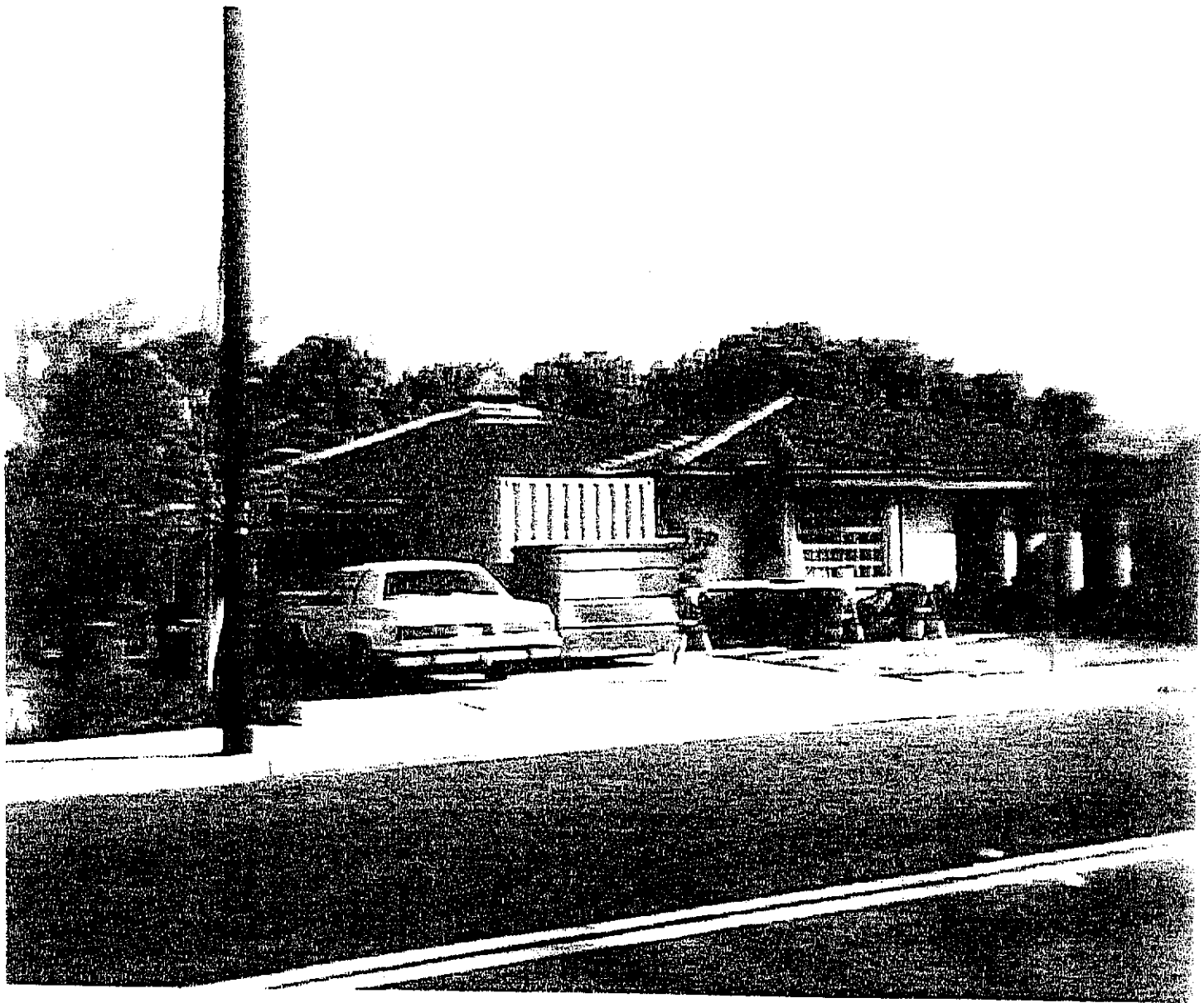


1545 POMEROY AVE
AUNT TOMMY'S HOUSE

Subj: (no subject)
Date: 4/1/2005 1:54:25 P.M. Pacific Standard Time
From: 4084257492@mms.mycingular.com
To: mvft@aol.com



1545 POMEROY AVE
ASHT TOWNS HOUSE



EDDIE SOUZA'S HOUSE
1525 POMEROY AVE

EARLY SETTLER OF SANTA CLARA COUNTY (Pre-1925)

1. Type or print clearly.
2. Use maiden names for women.
3. Places should be city, county, state.

SETTLER'S FULL NAME BUTTITA, PAULBORN 1891 PLACE UTICA, N. Y.DIED 28 Feb 1991 PLACE SAN JOSE, CA

BURIED IN _____ CEMETERY in _____

FATHER (Full name) Nick

MOTHER (maiden name) _____

HUSBAND/WIFE NAME LENA

MARRIED _____ PLACE _____

BORN _____ PLACE _____

DIED _____ PLACE _____

BURIED IN _____ CEMETERY in _____

MARRIAGE # _____ HUSBAND/WIFE NAME _____

MARRIED _____

CHILDREN

LENA TURNBULL
PAUL Jr.

UNCLE PAUL NEVER
LIVED @ 1575 POMEROY

Paul Buttita, 81, owned valley food distributing firm

Funeral Mass has been said for Paul Buttita, 81, a Santa Clara Valley food products distributor for 29 years who died Feb. 28 of a heart attack.

Mr. Buttita was the owner of California Pacific Food Products in Santa Clara from 1916 until he retired in 1975. He was the husband of Lena Buttita.

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In 1915, Mr. Buttita's father, Nick, operated a general store in Santa Clara. He and his brother, George, later moved to the present location of the firm.

Paul Buttita operated a grocery store in Santa Clara since 1916. He was a distributor of food for the military branches.

He was a member of San Jose Elks Lodge No. 522.

He is survived by his wife, Lena Buttita of San Jose, a daughter, Lena Turnbull of San Jose, a son, Paul Buttita Jr. of San Jose, two brothers, George Buttita of Santa Clara and Peter Buttita of Santa Clara, two sisters, Angela Buttita of San Jose and Rosa Buttita of Santa Clara, six grandchildren and four great-grandchildren.

Burial was in Santa Clara Mission Cemetery.

Santa Clara Valley Weekly

Josephine "Josetta" Buttita

Jan. 9, 1991, p. 4
Well-loved local dance teacher

Josephine Buttita passed away December 28, 1990. A long-time Santa Clara, she was best known as "Josetta" to her family, friends and students.

Josetta was a dance teacher well known to all, and through her efforts, over 30 couples who attended her dance classes, met and married.

For more than two decades she was a member of the Terpsichore Dance Masters of America and she was called as a ballroom dance teacher and instructor of ethnic dances, particularly Italian dances. Dancing was her life, and her dance classes

brought great joy to others.

Josetta's dance studio, was located on the El Camino at Pomeroy. She brought so much happiness to others, and she will be missed.

Josetta was a member of the Italian Heritage Society, the Santa Clara Cultural Society, The O'Connor 89ers, St. Lawrence Church and many other Santa Clara organizations. She was a highly active community worker and one of Santa Clara's favorites. She also became involved in the Parents Helping Parents organization, which her nephew, Mayor Eddie Souza, and his wife Lavelle founded.

Josetta was born in Utica, New York on May 25, 1913, and spent most of her life in Santa Clara. She is survived by her brothers and sisters: Pietro Buttita of Santa Rosa, Angelo Apeno and Paul Buttita of San Jose, George Buttita and Toni Souza of Santa Clara. She also has many nephews and nieces.

Funeral services were held at St. Lawrence Church in Santa Clara, with Committal Services performed at Mission Cemetery in Santa Clara.

AT SHOPPING CENTER

**SANTA CLARA VALLEY
Weekly**

1265 EL CAMINO REAL,
SANTA CLARA, CA 95050
P.O. BOX 755, SANTA CLARA, CA 95052
(408) 243-2000

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IMPORTANT OMISSIONS

In the caption for the front page photo that ran Jan. 3, 1990, two very important people were left out. Norm and Imelda Josephson, two more members of Local 332, designed and constructed the Peace on Earth sign that graced the top of Liberty Towers for much of the holiday season.

INTEROFFICE MEMORANDUM
City of Santa Clara

Date: May 3, 2005 (updated 7/1/2005)

To: Ron Garratt, Acting Director of Planning and Inspection

From: Gloria Sciara, AICP, Historic Resources Coordinator

Subject: Determination of Historical Significance for property located at 1575 Pomeroy

As part of the environmental review process, the City must determine if the properties over 50 years of age are historic resources as defined under the California Environmental Quality Act (CEQA). In order to determine the status of these structures, city staff performs a site survey. If warranted, city staff advises the applicant to prepare a historic survey (DPR 523 A) as a follow-up to the site survey. The historic survey is used when there is potential for historical or architectural significance and the resource is evaluated in detail. Review of this information by the City will allow completion of an initial study and determination regarding the appropriateness of demolition and/or possible mitigation measures.

In 1998, the State Resources Agency amended the CEQA Guidelines to define significant historical resources as resources that are:

1. Listed in, or determined to be eligible by the State Historical Resources
2. Commission, for listing in the California Register of Historic Resources; and
3. Identified in a historical resources survey.
4. Locally designated as historic landmarks or districts (see Historic Resources attachment).
5. Any structure determined by the Lead Agency to be historically significant.

The City of Santa Clara uses the following criteria for determination of significance for a historic resource in compliance with CEQA:

1. The resource is listed or eligible for listing on the National Register of Historic Places.
2. The resource is listed or eligible for listing on the California Register of Historic Resources
3. The resource is listed on the local inventory or is eligible for listing on City's Inventory.

The City of Santa Clara adopted local significance criteria in 2004. Under this criterion, a qualified historic resource is any building, site, or property in the City that is 50 years old and meets certain criteria of architectural, cultural, historical, geographical or archeological significance. This criterion is detailed below:

A. Criterion for Historical or Cultural Significance

To be historically or culturally significant, a property must meet at least one of the following criterion:

1. The site, building or property has character, interest, integrity and reflects the heritage and cultural development of the city, region, state, or nation.
2. The property is associated with a historical event.
3. The property is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.
4. The property is associated with a significant industrial, institutional, commercial, agricultural, or transportation activity.
5. A building's direct association with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.
6. A notable historical relationship between a site, building, or property's site and its immediate environment, including original native trees, topographical features, outbuildings or agricultural setting.

B. Criterion for Architectural Significance

To be architecturally significant, a property must meet at least one of the following criterion:

1. The property characterizes an architectural style associated with a particular era and/or ethnic group.
2. The property is identified with a particular architect, master builder or craftsman.
3. The property is architecturally unique or innovative.
4. The property has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
5. The property has a visual symbolic meaning or appeal for the community.
6. A building's unique or uncommon building materials, or its historically early or innovative method of construction or assembly.
7. A building's notable or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, details, fenestration, ornamentation, artwork or functional layout.

In reviewing the data collected from the site survey and preliminary history obtained from family members, the property was reviewed using City criteria for historical/cultural significance and architectural significance adopted by the City Council in 2004. The building is a post-war vernacular home in a one story, rectangular plan with a two car attached garage. The exterior is clad in stucco with brick wainscoting. Fenestration consists of a combination of wood double hung windows, and newer aluminum windows. Metal awnings cover the front windows and the porch entry. The roof is sheathed in a decorative terra cotta tile. Based on the date of construction, following WWII, this home is loosely associated with "Minimal Traditional" style architecture but also appears as a predecessor to the California Ranch style architecture. An old salvage wood outbuilding, which was used for a dance studio by one of the Souza/Speeno relatives is still present on the site but in poor condition.

The main house building suffers from deferred maintenance on the interior; buckling floors, damaged linoleum, deteriorating cabinets, and damaged wood floors. Features on the interior are simple- plaster walls, brick fireplace, plain doors, and wood or

linoleum floors. Single-family residences bound the property to the south and the west, and abut apartment buildings on the east property line and commercial properties along El Camino Real.

In regards to historical significance, the original owner and builder of the house is Mr. Nicholas Buttitta, the grandfather of Eddie Souza and Ernie Speeno (applicant). Mr. Buttitta was born in Sicily in 1883. He operated lemons groves in Sicily for his business. He and his wife moved from Sicily to Utica, New York and brought with him inventory from Sicily for his store in New York. He and his wife later moved to Youngstown Ohio. He operated a successful grocery and import business in each of these locations. One of his very successful products was the import of olive oil. He imported other products from Italy for the immigrant populations his markets served and traveled routinely to Italy and Sicily to buy new products for his store. Upon retirement, he moved with his wife to Santa Clara for the fine weather and to be in the company of other Italian-Americans. Mr. Buttitta arrived in Santa Clara Valley in the 1930s and originally lived on Main Street across the street from Martin's Bar. He later purchased a 6-acre ranch around 1935 and ran a pear orchard. The property was part of the prominent Pomeroy family property, who were early homesteaders. The Buttittas occupied the Victorian Pomeroy house and many grandchildren visited this home. The large Victorian structure was later demolished to make way for the current family home in 1949.

Parts of the 6-acre fruit orchard he owned were later sold off for development with no visible traces of the ranch remaining. Some of the neighboring parcels were developed with new homes for family members. It should be noted that many of extended family still reside in the Bay area and have achieved local prominence. Many of the children and grandchildren of Mr. Buttitta were successful businessmen, and local politicians (Eddie Souza was Santa Clara's mayor for eight years, and others served in WWII, Korea and the Vietnam War). (Francesco) Paul Buttita was the owner of California Pacific Food Products in Santa Clara from 1946 until he retired in 1975.

The Buttitta/Souza/Speeno clan are a colorful and successful family. While significant accomplishments were achieved, the current post-war home and property do not embody distinctive architectural features creating significance based on local criteria previously mentioned in this report. Mr. Buttitta was a successful immigrant whose main business success took place in the Eastern United States. Many of his children have achieved prominence in the valley as successful entrepreneurs and holding public office. However, no significant event occurred on the property, and the property is not associated with an important individual or group (ethnic, social, religious etc) who contributed in a significant way to the political, social and/or cultural life of the community that was directly associated with the property. The property is not associated with a significant industrial, institutional, commercial, agricultural, or transportation activity related to Santa Clara. Additionally, no notable historical relationship between a site, building, or property's site and its immediate environment, including original native trees, topographical features, outbuildings or agricultural setting exists.

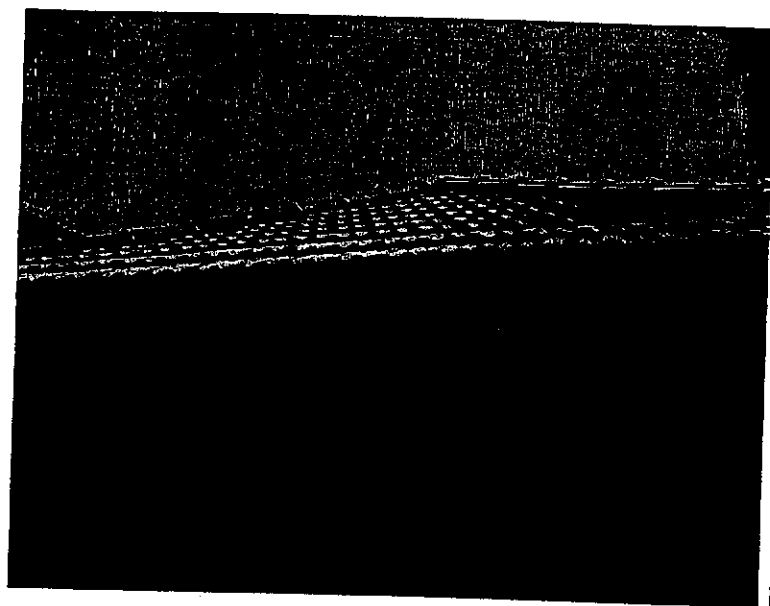
The property as it is currently developed and during its period of significance (late 1940s) was subdivided into residential lots, during Santa Clara's expansion period following WWII. The Pomeroy ranch has been completely eliminated and the main house demolished. Also, no commercial farming operation existed on the site associated with the Buttittas. The home was a retirement property for Mr. Buttitta and his large family. Therefore, there is no cultural or historical significance associated with

the property. In regards to possible architectural significance, due to its lack of distinguishing features, and its vernacular derivation of the ranch style architecture does not distinguish it from other more archetypical examples of this architectural style. The absence of a defined context or cohesive environment in which this structure is located, does not elevate the structure to be eligible for listing on the City of Santa Clara Architecturally or Historically Significant Properties inventory under architectural significance.

It is the staff's conclusion that the structure does not qualify as significant historical or architectural resource under the City's criterion, and is not a qualified historic resource subject to the California Environmental Quality Act (CEQA). The existing structure can be demolished under a ministerial action, but under City policy can be removed upon approval of replacement plans. Photographs of the house and property are provided below:



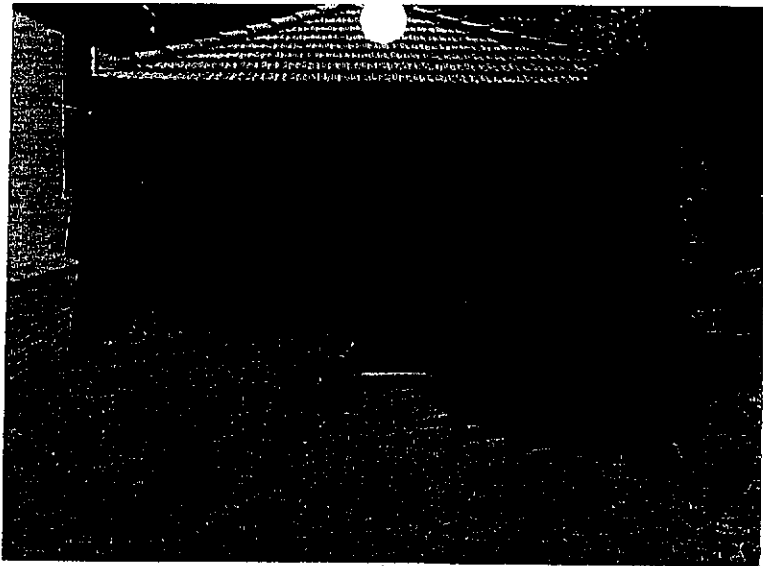
Front elevation



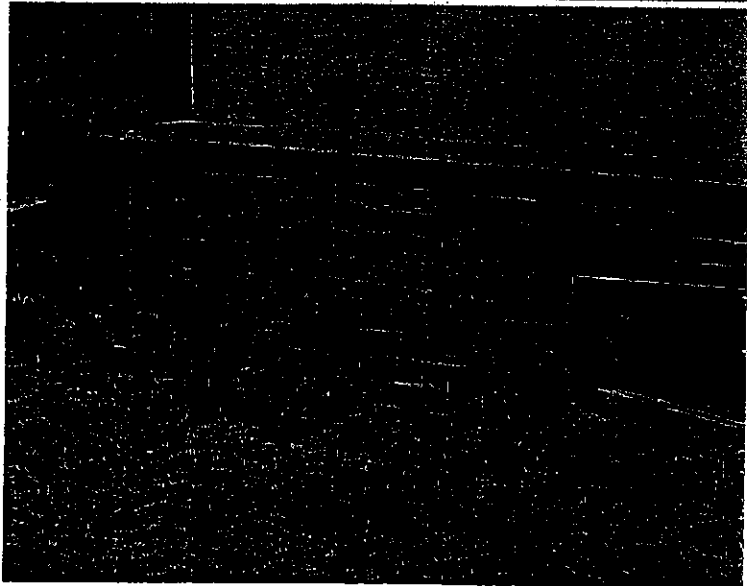
Roof detail



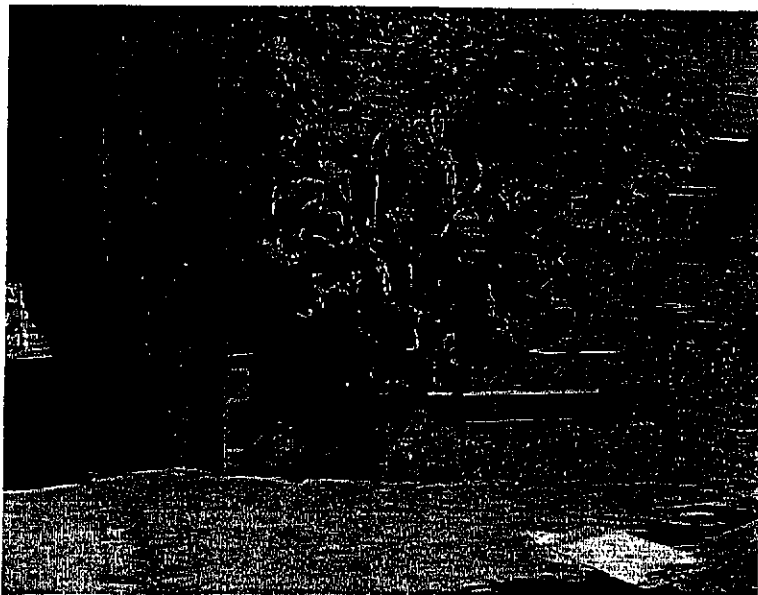
Front porch



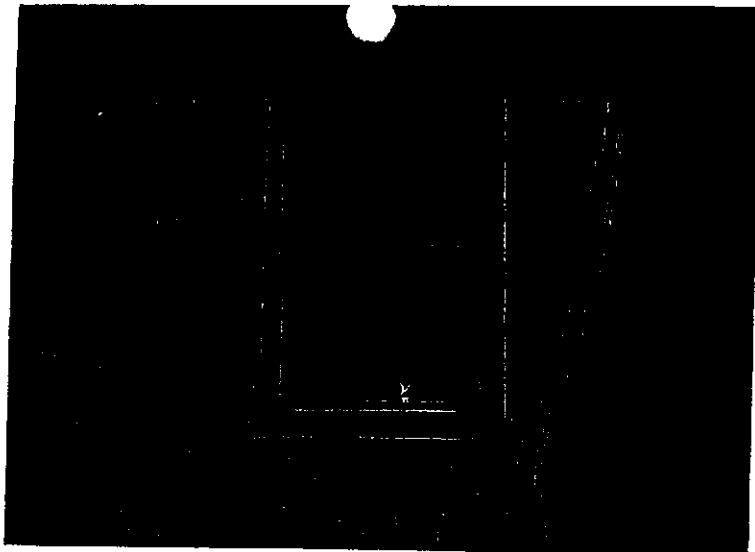
Garage



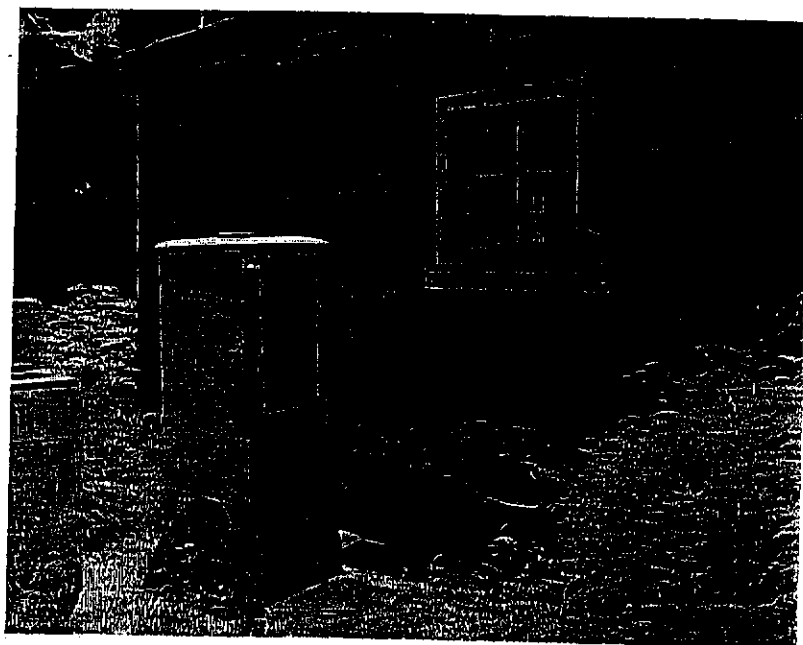
Brick wainscoting



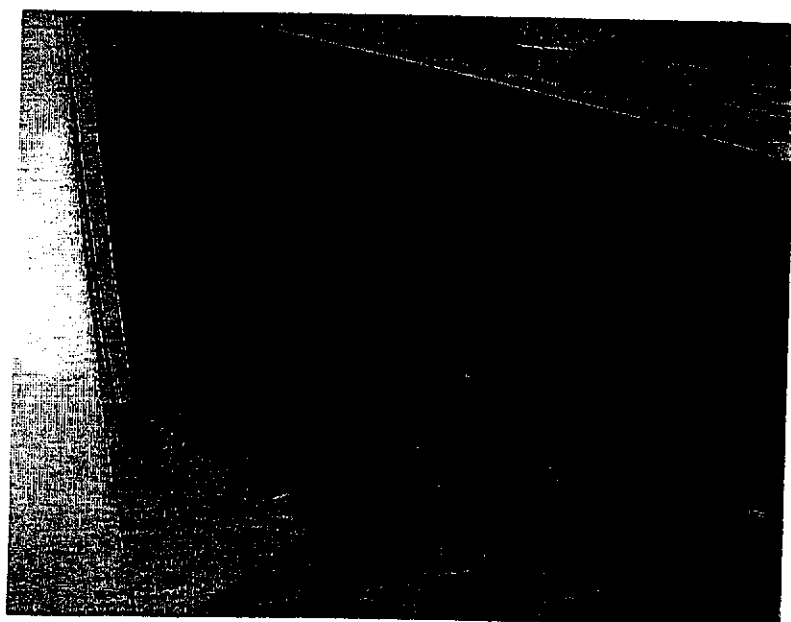
On site vegetation



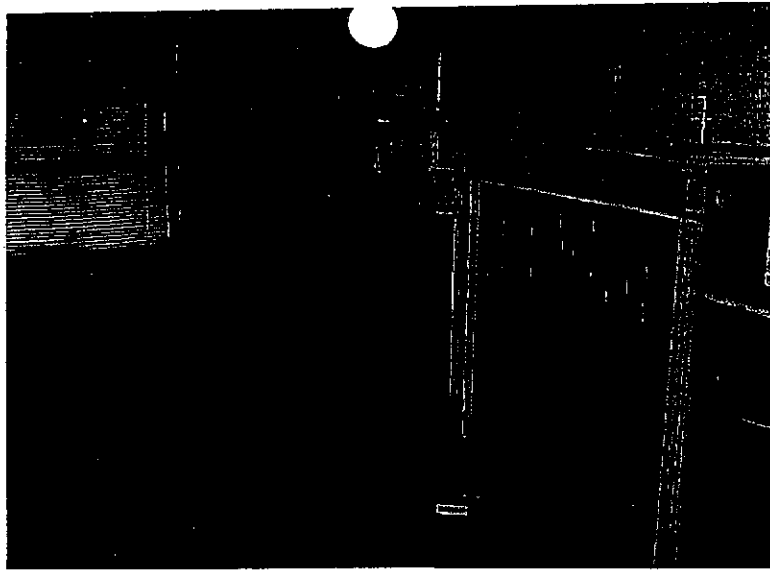
aluminum windows on side elevation



Wood sided dance studio behind
main house



Kitchen floor



Living room

I:\PLANNING\2005\HLC 2005\030305\Oval plaque request 782ParkCt.doc

RECEIVED

JUN - 2 2005

City of Santa Clara
Planning Division

Eddie Souza, Representing
Souza Family Trust
1525 Pomeroy Avenue
Santa Clara, CA 95051
Phone: 408-984-6037
June 1, 2005

City of Santa Clara Planning Commission
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Planning Commissioners,

This letter is in reference to the Notice of Public Hearing, June 8, 2005, regarding File Number PLN2005-04905 at the location of 1575 Pomeroy Avenue.

I am requesting a 30 day continuance of the Public Hearing on this project for the following reasons:

1. The property owners within 300 feet of this project have not been properly noticed.
2. I need 30 days to properly review and respond to the issues regarding this project.
3. There is significant historical information about my family that pertains the property at this location and to the surrounding property.

Thank you for your attention to my request.

Sincerely,



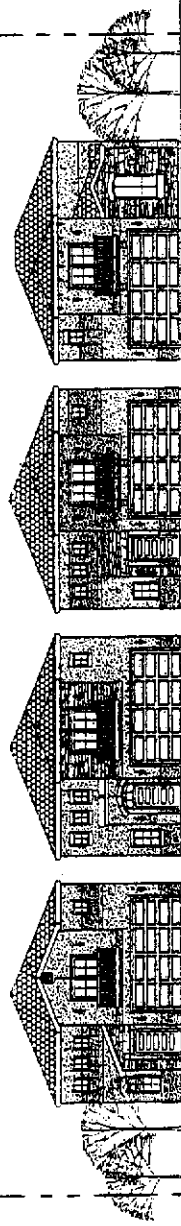
Eddie Souza

Subj: (no subject)
Date: 4/1/2005 1:51:51 P.M. Pacific Standard Time
From: 4084257492@mms.mycingular.com
To: mvft@aol.com

EXISTING RESIDENCE
TO BE DEMOLISHED



POMEROY TOWNHOMES 1575 POMEROY AVENUE, SANTA CLARA, CA. 95051



VICINITY MAP



☒ PLANNING DEPARTMENT ☐ PRELIMINARY (NOT FOR CONSTRUCTION) ☐ DESIGN REVIEW SUBMITTAL ☐ BUILDING DEPARTMENT ☐ PLAN CHECK SUBMITTAL ☐ APPROVED FOR CONSTRUCTION

CONSULTANTS

OWNER
KIMBLE REALTY, PLANNING & ARCHITECTURE, INC.
1575 POMEROY AVENUE, SUITE 100
SANTA CLARA, CA 95051
TEL: (408) 554-1000
FAX: (408) 554-1001

ARCHITECTURAL
ARCHITECTURAL DESIGN, INC.
1575 POMEROY AVENUE, SUITE 100
SANTA CLARA, CA 95051
TEL: (408) 554-1000
FAX: (408) 554-1001

CIVIL ENGINEER
S&B COMPANY
1575 POMEROY AVENUE, SUITE 100
SANTA CLARA, CA 95051
TEL: (408) 554-1000
FAX: (408) 554-1001

PROJECT DATA

APN: 150-03-005
EXISTING ZONING: RS - RL
PROPOSED ZONING: PLANNED DEVELOPMENT
GENERAL PLAN: MODERATE DENSITY RESIDENTIAL (1935 OUTLAGE)
TYPE OF OCCUPANCY: R-3 (LI)
TYPE OF CONST.: V-N
EXISTING USE: RESIDENTIAL
PROPOSED USE: 4 DETACHED TOWNHOMES

LOT SIZE: 12,423 SF
LOT COVERAGE: 34.8 %
LANDSCAPE COVERAGE: 48.9 %
PAVEMENT COVERAGE: 25.5 %

SHEET INDEX

ARCHITECTURAL
A1P COVER SHEET
C1 GRADED AND DRAINAGE PLAN
C2 UTILITY PLAN
A1P SITE PLAN
A11 UNIT 'A' 1st FL. 3/4 IN. x 1/4 IN. + ROOF PLAN
A12 UNIT 'A' 2nd FL. 3/4 IN. x 1/4 IN. + ROOF PLAN
A13 UNIT 'A' 3rd FL. 3/4 IN. x 1/4 IN. + ROOF PLAN
A14 UNIT 'A' 4th FL. 3/4 IN. x 1/4 IN. + ROOF PLAN
A15 UNIT 'A' EXTERIOR ELEVATIONS
A16 UNIT 'A' EXTERIOR ELEVATIONS
A17 UNIT 'A' EXTERIOR ELEVATIONS
A18 UNIT 'A' EXTERIOR ELEVATIONS

RECEIVED

AUG 25 2005

City of Santa Clara
Planning Division

PLAN 2005-04905

<p>APPROVED FOR CONSTRUCTION</p> <p>City Engineer: _____ Date: _____</p> <p>City Planner: _____ Date: _____</p>	
<p>COVER SHEET</p> <p>A0.0</p>	

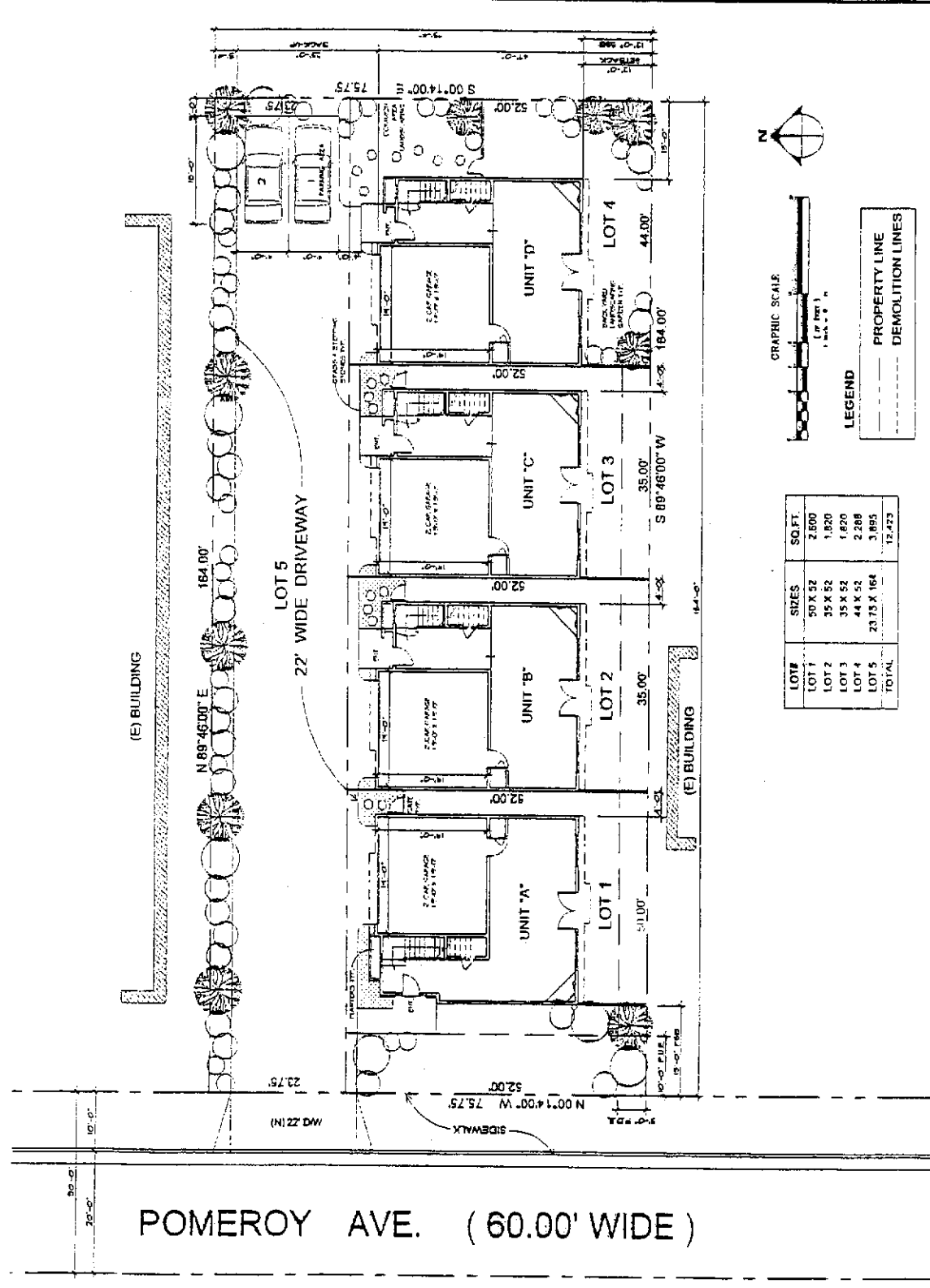
City Relations		Date
16	Example	
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File	Description	Date
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7		

SITE PLAN

AI.0

PLN 2005-04965



LOT#	SIZES	SQ.FT.
LOT 1	50 X 52	2,500
LOT 2	35 X 52	1,820
LOT 3	35 X 52	1,820
LOT 4	44 X 52	2,288
LOT 5	23.75 X 164	3,895
TOTAL		12,423

LEGEND

PROPERTY LINE	DEMOLITION LINES

ADDITON
ARCHITECTS

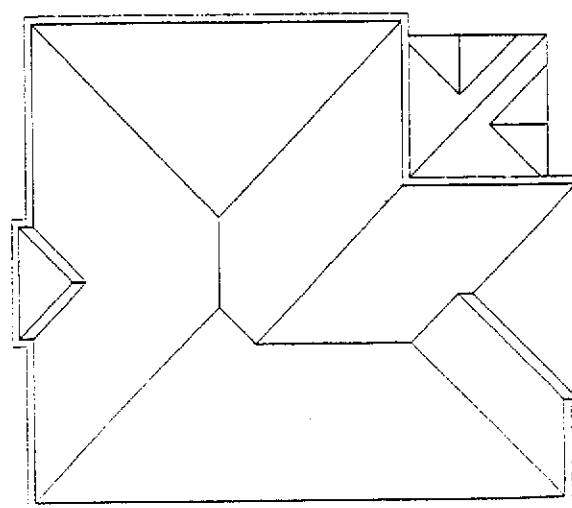
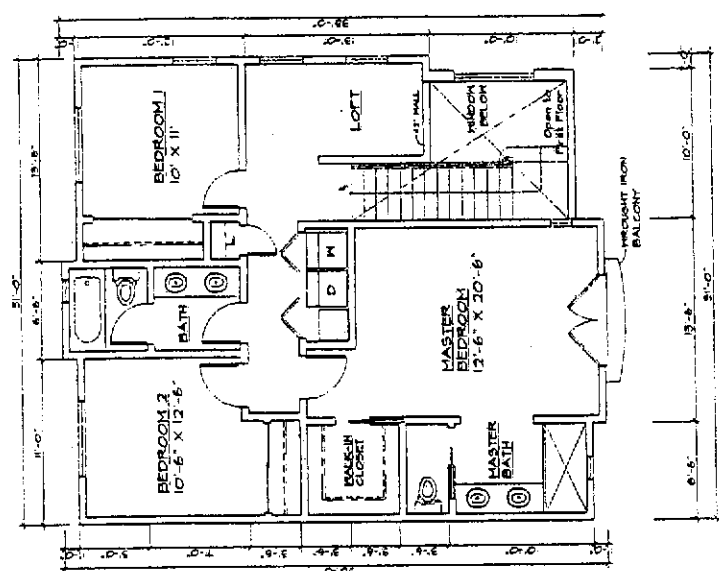
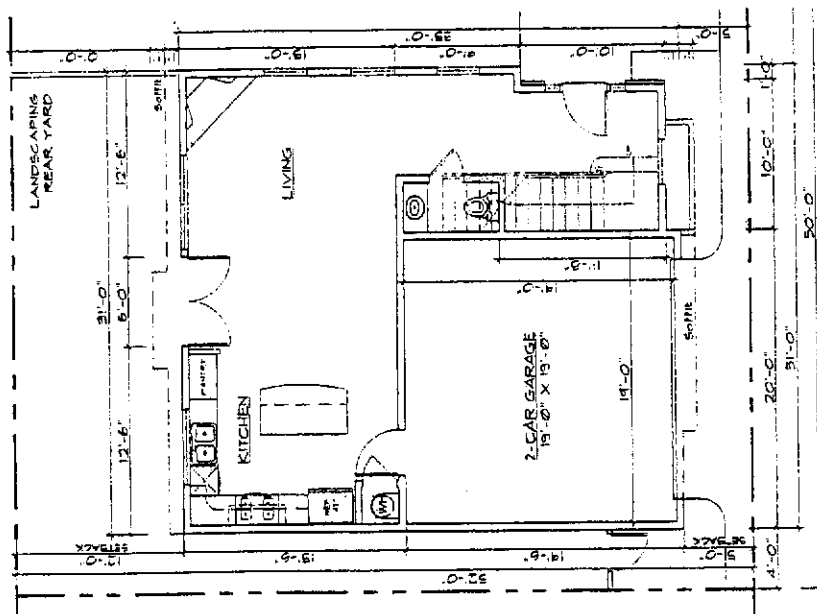
1200 S. Bascom Avenue, Suite 200
San Jose, CA 95128
Tel: 408.944.1200
Fax: 408.944.1201
www.additon.com

SPENO HOMES
1145 SOUTH KINCHESTER AVENUE
SAN JOSE, CALIFORNIA 95128

POMEROY TOWNHOMES
1515 PIERCE AVENUE
SANTA CLARA, CA 95051

UNIT 'A'
1st Fl., 2nd Fl.
& ROOF PLANS

A2.1



P/N 2005-0496S

SPENO HOMES
ARCHITECTS

11111 S. BAYVIEW, SUITE 100
SAN ANTONIO, TEXAS 78249
TEL: 512-345-1234
FAX: 512-345-1235
WWW.SPENOHOMES.COM

SPENO HOMES
11111 S. BAYVIEW, SUITE 100
SAN ANTONIO, TEXAS 78249

POMEROY TOWNHOMES
11111 S. BAYVIEW, SUITE 100
SAN ANTONIO, TEXAS 78249

City Revisions

No.	Description	Date
1	Initial Design	10/1/05
2	Revised Design	10/15/05
3	Final Design	10/30/05
4	Revised Design	11/10/05
5	Final Design	11/20/05
6	Revised Design	12/1/05
7	Final Design	12/15/05
8	Revised Design	12/25/05
9	Final Design	1/5/06
10	Revised Design	1/15/06
11	Final Design	1/25/06
12	Revised Design	2/5/06
13	Final Design	2/15/06

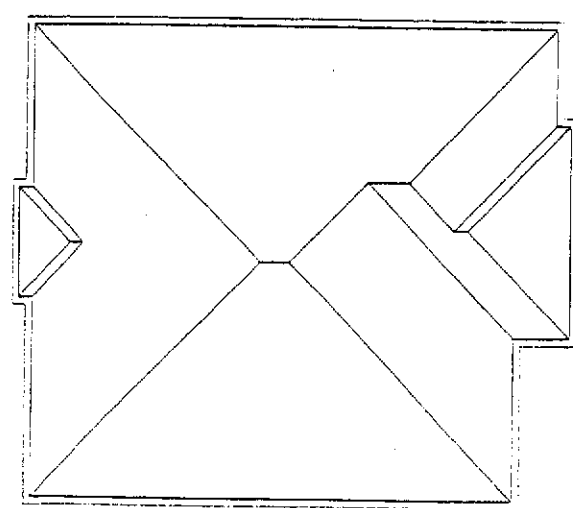
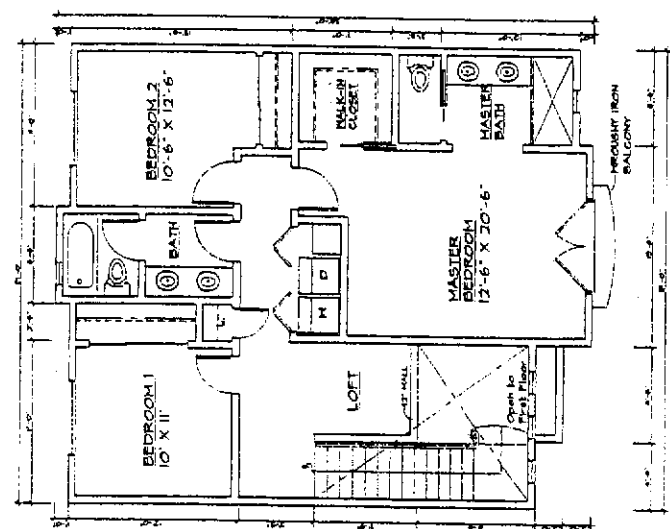
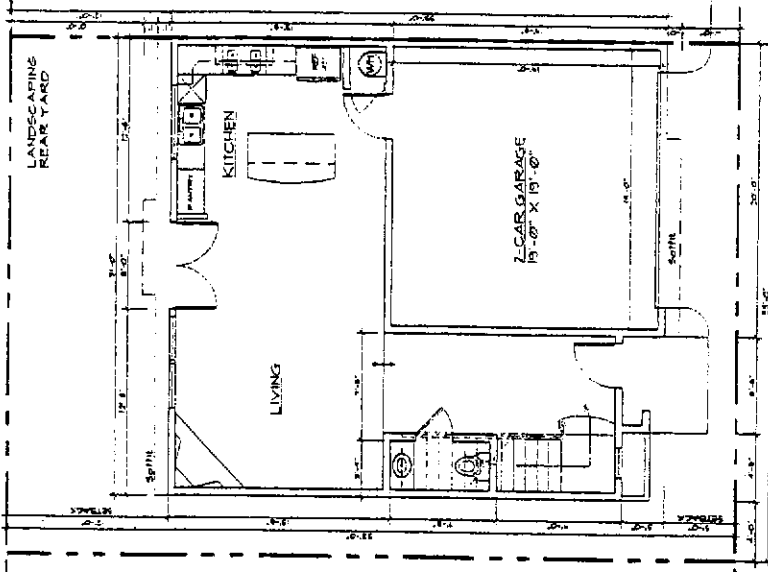
Client Revisions

No.	Description	Date
1	Initial Design	10/1/05
2	Revised Design	10/15/05
3	Final Design	10/30/05
4	Revised Design	11/10/05
5	Final Design	11/20/05
6	Revised Design	12/1/05
7	Final Design	12/15/05
8	Revised Design	12/25/05
9	Final Design	1/5/06
10	Revised Design	1/15/06
11	Final Design	1/25/06
12	Revised Design	2/5/06
13	Final Design	2/15/06

UNIT 'B'
1st Fl., 2nd Fl.
& ROOF PLANS

A2.2

PLAN 2005-04965



1ST FLOOR PLAN
UNIT B

2ND FLOOR PLAN
UNIT B

ROOF PLAN
UNIT B

ACCEPTED
ARCHITECTS

12001 Linderoth Avenue
San Jose, California 95131
Tel. 408-434-0200
Fax. 408-434-0201
www.spinohomes.com

SPINO HOMES
1111 SOUTH KIMMETER BLVD.
SAN JOSE, CALIFORNIA 95128

POMEROY TOWNHOMES
1915 POMEROY AVENUE
SAN JOSE, CALIF. 95131

City Revisions		Date
1	Revised	10/20/04
2	Revised	10/20/04
3	Revised	10/20/04
4	Revised	10/20/04
5	Revised	10/20/04
6	Revised	10/20/04
7	Revised	10/20/04
8	Revised	10/20/04
9	Revised	10/20/04
10	Revised	10/20/04
11	Revised	10/20/04
12	Revised	10/20/04

Client Revisions		Date
1	Revised	
2	Revised	
3	Revised	
4	Revised	
5	Revised	
6	Revised	
7	Revised	
8	Revised	
9	Revised	
10	Revised	
11	Revised	
12	Revised	

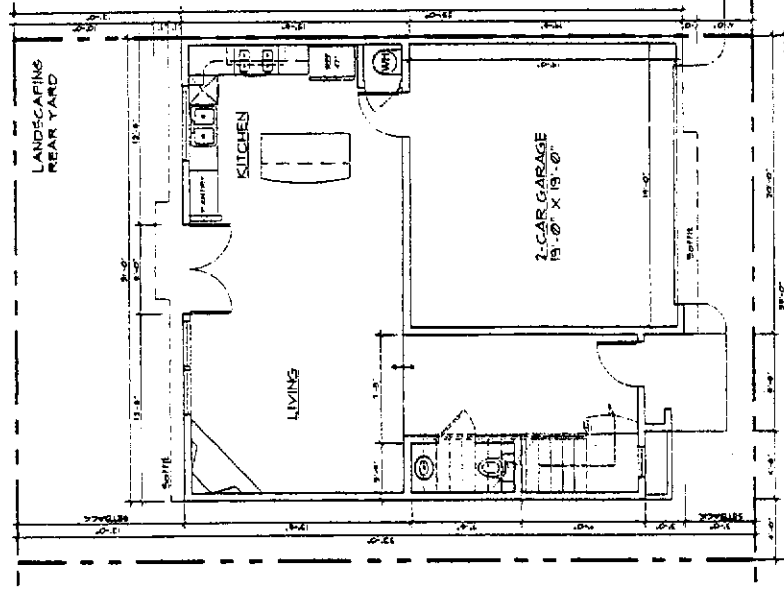
Drawn By:	10/20/04
Checked By:	10/20/04
Scale:	1/4" = 1'-0"

UNIT 'C'
1st Fl., 2nd Fl.
& ROOF PLANS

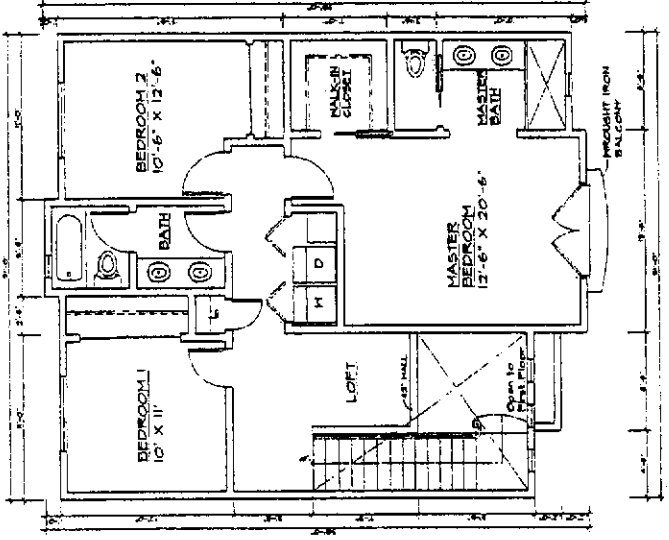
A2.3

10/20/04

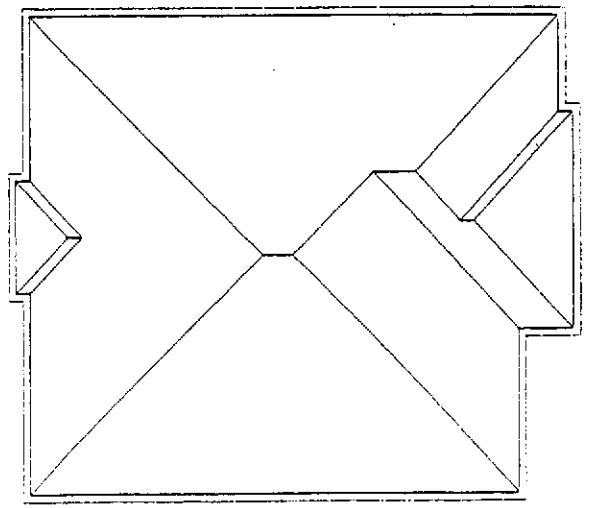
PLN 2005-04965



1ST FLOOR PLAN UNIT 'C'
Living Area: 19'-0" x 19'-0"
Kitchen: 10'-0" x 10'-0"
2-CAR GARAGE: 19'-0" x 19'-0"
Total Area: 732 sq. ft.



2ND FLOOR PLAN UNIT 'C'
Living Area: 648 sq. ft.
Total Area: 796 sq. ft.



ROOF PLAN UNIT 'C'

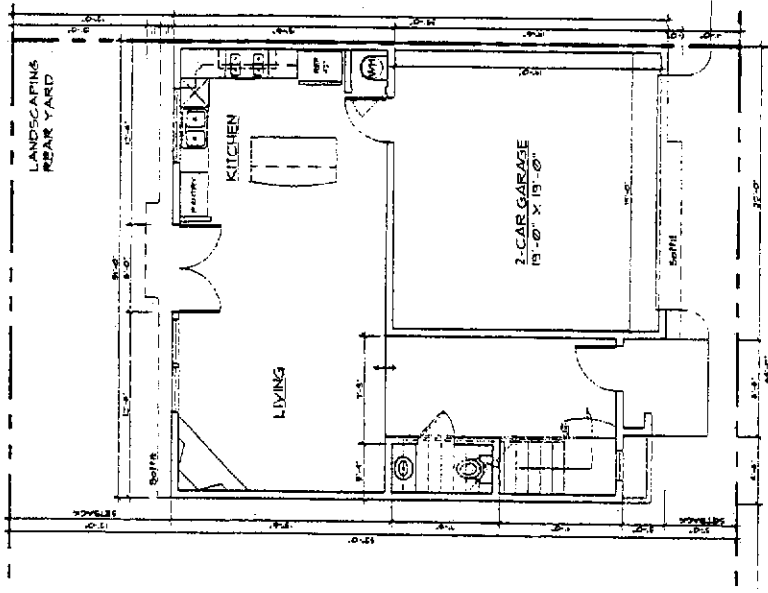
Client Revisions	
No.	Description
1	Revised Client's Request
2	
3	
4	
5	
6	
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9	
10	
11	
12	

Client Revisions	
No.	Description
1	
2	
3	
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12	

UNIT 'D'
1st Fl., 2nd Fl.
& ROOF PLANS

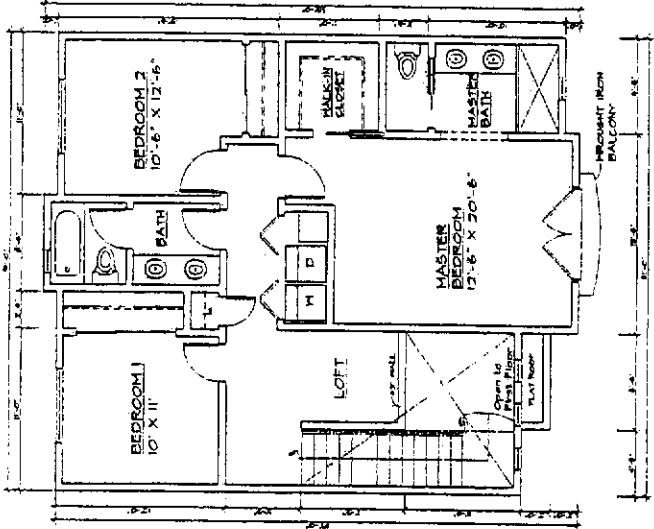
A2.4

Rev. No.



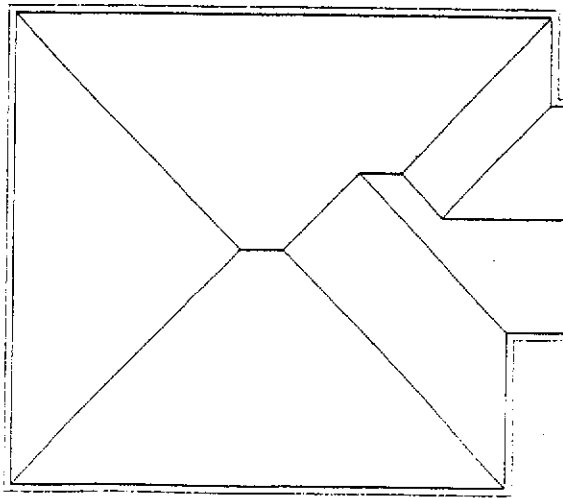
1ST FLOOR PLAN
UNIT 'D'

Living Area: 1,200 sq. ft.
Kitchen: 1,000 sq. ft.
Garage: 1,500 sq. ft.

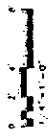


2ND FLOOR PLAN
UNIT 'D'

Living Area: 1,200 sq. ft.



ROOF PLAN
UNIT 'D'



PLAN 2005-04965

ARCHITECT
SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM

PROJECT
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM

DESIGNER
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM

DATE
 11/11/05

PROJECT
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
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 WWW.SPENOHOMES.COM

DATE
 11/11/05

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DATE
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DATE
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DATE
 11/11/05

PROJECT
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM

DATE
 11/11/05

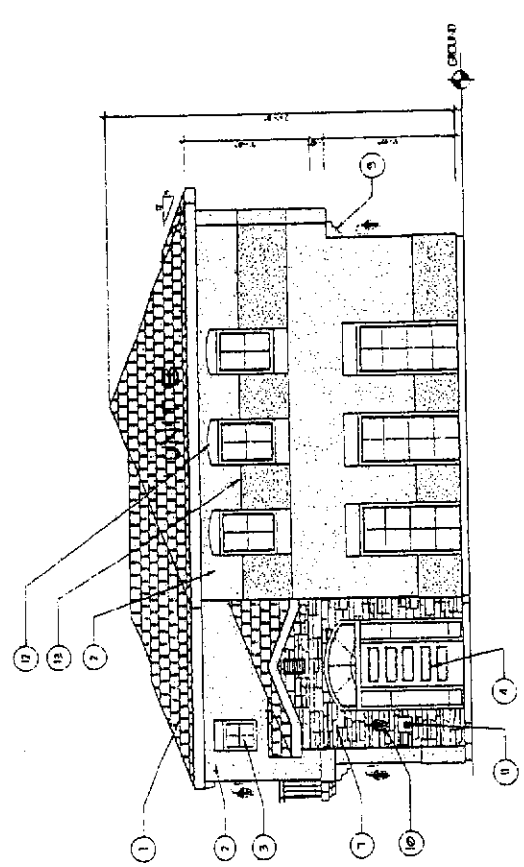
PROJECT
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM

DATE
 11/11/05

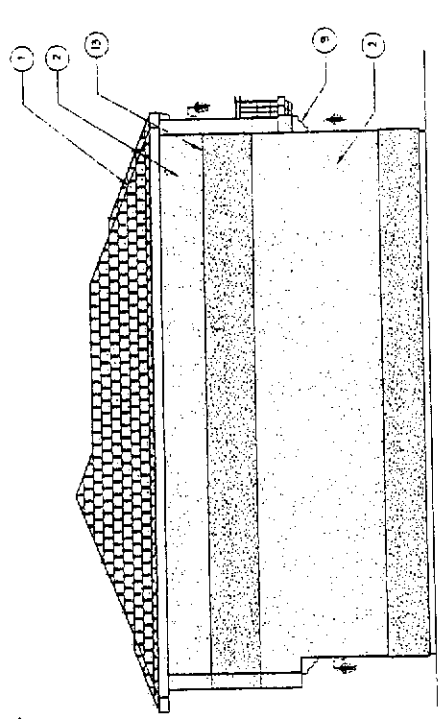
PROJECT
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM

DATE
 11/11/05

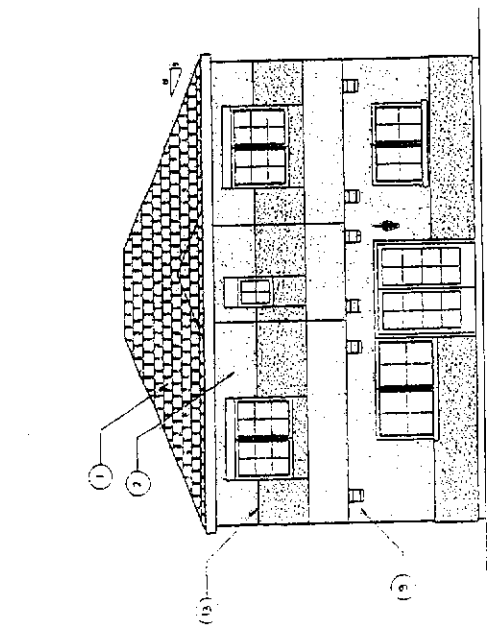
PROJECT
 SPENO HOMES
 1100 COMPTON STREET, SUITE 100
 SANTA CLARA, CA 95050
 TEL: 408.451.1000
 FAX: 408.451.1001
 WWW.SPENOHOMES.COM



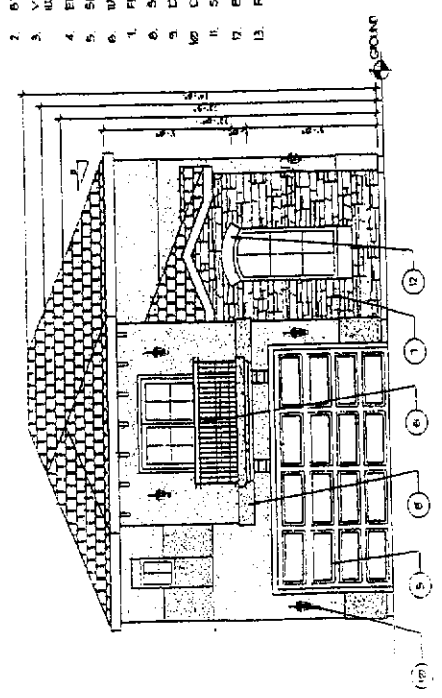
STREET ELEVATION



SIDE ELEVATION



REAR ELEVATION



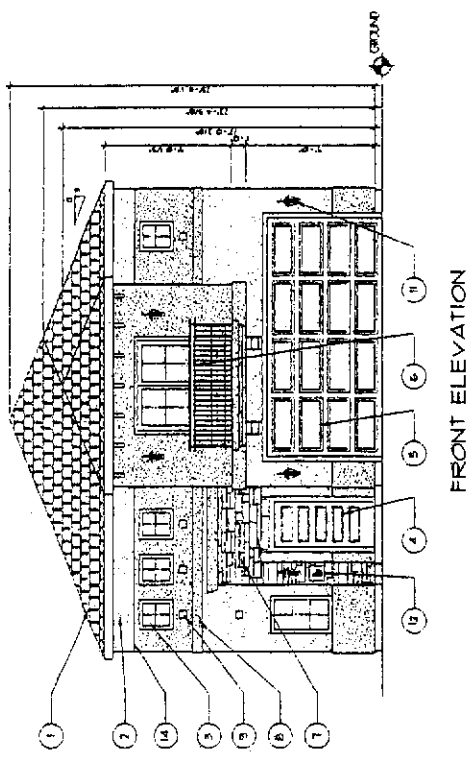
FRONT ELEVATION

ELEVATION NOTES

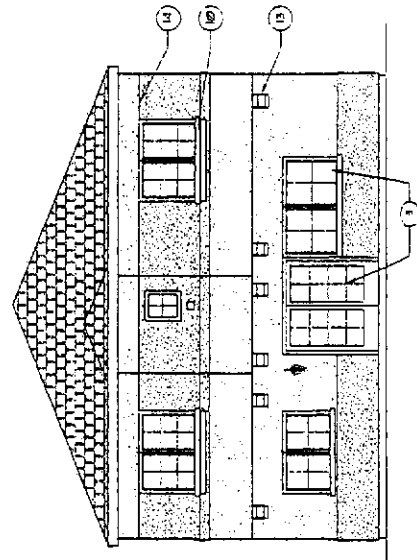
1. BLEND CONCRETE ROOF TILE
2. STUCCO WALL, 1/2" SHOOT FINISH - COLOR
3. VINYL WINDOW & DOOR FRAME
4. 1/2" DIVIDED LIGHTS
5. ENTRY DOOR WITH PANELS
6. SECTIONAL GARAGE DOOR
7. UNOUGHT IRON BALCONY - CURVED
8. FLAGSTONE VENEER POP OUT WALL
9. STUCCO COVERED FOAM TRIMS
10. DECORATIVE WOOD CORBELS
11. DECORATIVE METAL LIGHT FIXTURE
12. STEEL ADDRESS LETTER CUT OUTS
13. BLASTSTONE ARCH



PLAN 2005-04965



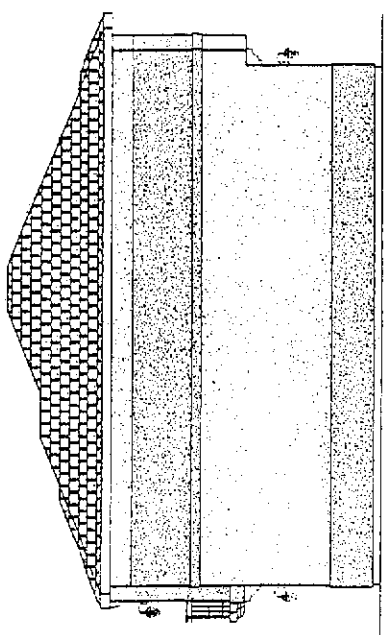
FRONT ELEVATION



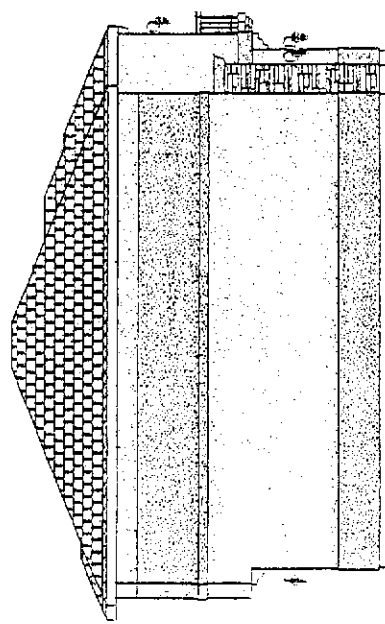
REAR ELEVATION

ELEVATION NOTES

1. BLEND CONCRETE ROOF TILE
2. SMOOTH FINISHED COLORED STUCCO
3. VINYL WINDOW & DOOR FRAME W/ DIVIDED LIGHTS
4. ENTRY DOOR WITH PANELS
5. SECTIONAL GARAGE DOOR
6. BRIGHT IRON BALCONY - CURVED
7. FLAGSTONE VENEER AT ENTRY
8. STUCCO COVERED FOAM TRIMS
9. DECORATIVE ACCENT TILE
10. STUCCO COVERED FOAM SILL
11. DECORATIVE METAL LIGHT FIXTURE
12. STEEL ADDRESS LETTER CUT OUTS
13. DECORATIVE WOOD CORBELS
14. REVEAL LINES



LEFT ELEVATION



RIGHT ELEVATION

Unit Revisions

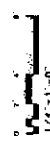
No.	Description	Date
1		
2		
3		
4		
5		
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8		
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10		
11		
12		

Client Revisions

No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

UNIT 'B'
EXTERIOR
ELEVATIONS

A3.2



PLAN 2005-04965

ARCHITECT
ATTENTION:

1111 SOUTH MONTEBELLO
 SAN ANGELO, TEXAS 76901

1111 POMEY AVENUE
 SANTA CLARA, CA 95051

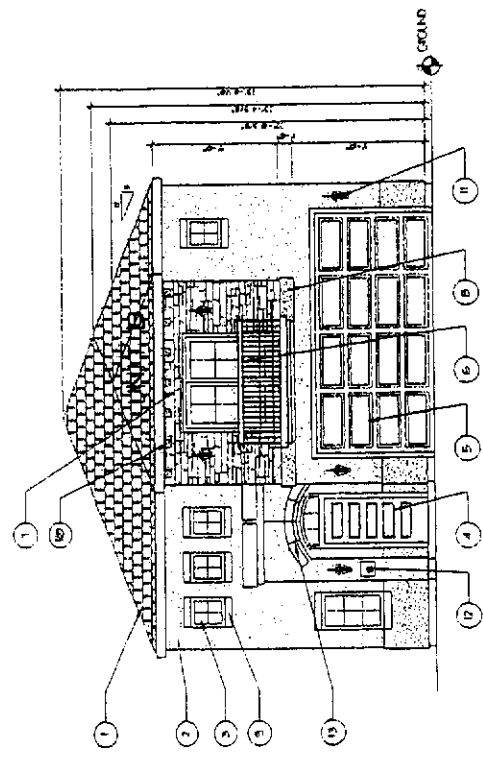
SPENDO HOMES

1111 SOUTH MONTEBELLO
 SAN ANGELO, TEXAS 76901

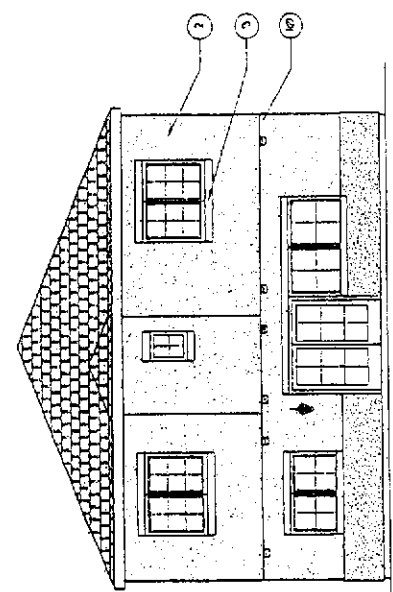
1111 POMEY AVENUE
 SANTA CLARA, CA 95051

UNIT C
 EXTERIOR
 ELEVATIONS

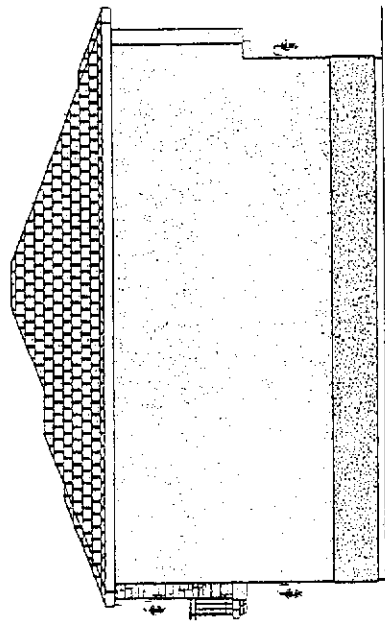
A3.3



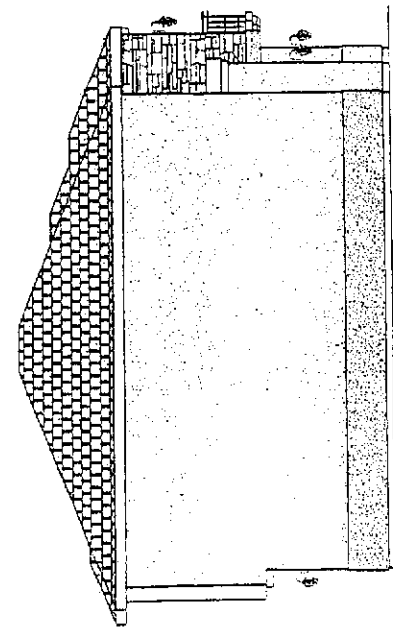
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

ELEVATION NOTES

1. BLEND CONCRETE ROOF TILE
2. SMOOTH FINISHED COLORED STUCCO
3. VINYL WINDOW / DOOR FRAME W/ DIVIDED LIGHTS
4. ENTRY DOOR WITH PANELS
5. SECTIONAL GARAGE DOOR
6. BROUGHT IRON BALCONY - CURVED
7. FLAGSTONE VENEER POP OUT WALL
8. STUCCO COVERED FOAM TRIMS
9. BAYSTONE HEAD AND SILL
10. DECORATIVE WOOD DENTAL
11. DECORATIVE METAL LIGHT FIXTURE
12. STEEL ADDRESS LETTER CUT OUTS
13. BAYSTONE ARCH

City Revisions		Notes
No.	Description	Date
1	Revised	10/1/00
2	Revised	10/1/00
3	Revised	10/1/00
4	Revised	10/1/00
5	Revised	10/1/00
6	Revised	10/1/00
7	Revised	10/1/00
8	Revised	10/1/00
9	Revised	10/1/00
10	Revised	10/1/00
11	Revised	10/1/00
12	Revised	10/1/00

Client Revisions		Notes
No.	Description	Date
1	Revised	10/1/00
2	Revised	10/1/00
3	Revised	10/1/00
4	Revised	10/1/00
5	Revised	10/1/00
6	Revised	10/1/00
7	Revised	10/1/00
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12	Revised	10/1/00

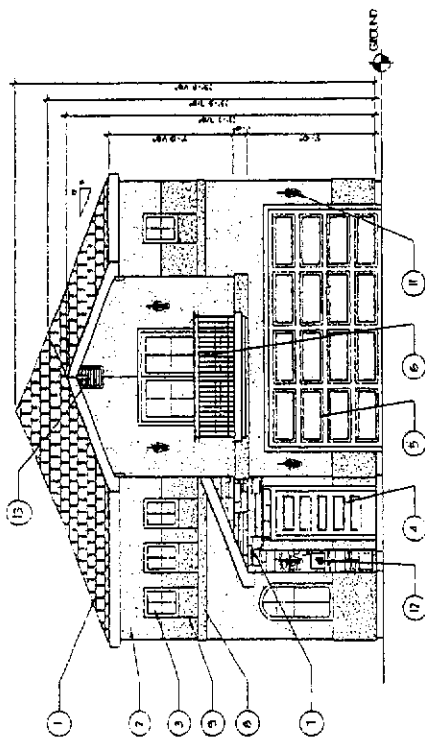
UNIT C
 EXTERIOR
 ELEVATIONS

A3.3

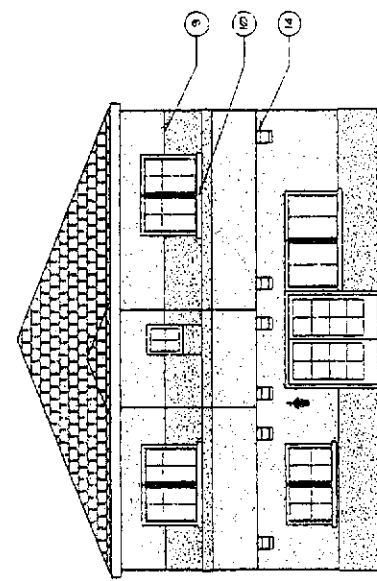
PLAN 2005-04965

City Revisions		Date
1	Revisions	1/1/00
2	Revisions	1/1/00
3	Revisions	1/1/00
4	Revisions	1/1/00
5	Revisions	1/1/00
6	Revisions	1/1/00
7	Revisions	1/1/00
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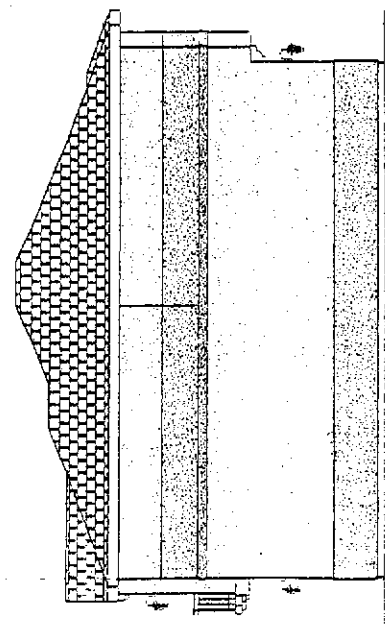
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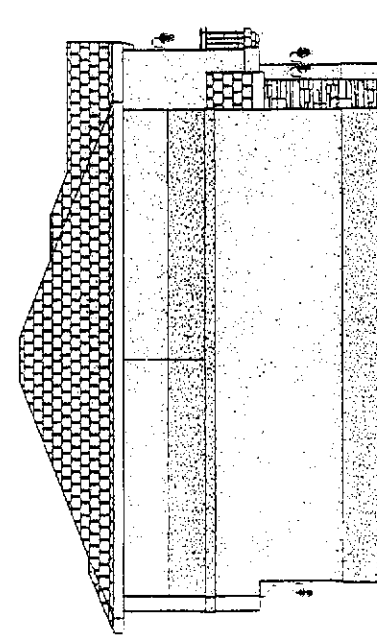
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

ELEVATION NOTES

1. BLEND CONCRETE ROOF TILE
2. SMOOTH FINISHED COLORED STUCCO
3. VINYL WINDOW & DOOR FRAME W/ DIVIDED LIGHTS
4. ENTRY DOOR WITH PANELS
5. SECTIONAL GARAGE DOOR
6. WROUGHT IRON BALCONY - CURVED
7. FLAGSTONE VENEER AT ENTRY
8. STUCCO COVERED FOAM TRIMS
9. REVEL LINES
10. STUCCO COVERED FOAM SILL
11. DECORATIVE METAL LIGHT FIXTURE
12. STEEL ADDRESS LETTER CUT OUTS
13. ATTIC VENT (PAINTED)
14. DECORATIVE WOOD CORBELS

